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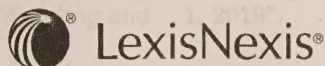
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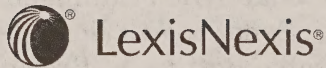
THE STATE OF ARKANSAS

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TITLE 19

PUBLIC FINANCE

(CHAPTERS 6-12 IN VOLUME 19B)

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CHAPTER 1

GENERAL PROVISIONS

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Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

19-1-201. Chief Fiscal Officer of the State.

The Secretary of the Department of Finance and Administration shall be the Chief Fiscal Officer of the State.

History. Acts 1971, No. 585, § 17; A.S.A. 1947, § 13-202; Acts 2019, No. 910, § 3427.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

Amendments. The 2019 amendment

19-1-202. Secretary.

(a) The Secretary of the Department of Finance and Administration shall be at least thirty (30) years of age, of good moral character, and of demonstrated ability in the field of his or her employment.

(b) Before entering upon his or her duties of employment, the Secretary of the Department of Finance and Administration shall take, subscribe, and file in the office of the Secretary of State an oath or affirmation to support the United States Constitution and the Arkansas Constitution and to faithfully discharge the duties of the employment upon which he or she is about to enter.

(c)(1) The Secretary of the Department of Finance and Administration shall furnish bond to the state, with a corporate surety thereon, in the penal sum of ten thousand dollars (\$10,000), conditioned upon the faithful performance of his or her duties and for the proper accounting for all funds received and disbursed by him or her.

(2) The Secretary of the Department of Finance and Administration shall be the disbursing agent for the Department of Finance and Administration but shall not be required to furnish additional bond as that disbursing agent, nor shall he or she be required to furnish additional bond as disbursing agent of other appropriations for which he or she may be designated disbursing agent under or pursuant to any law of this state unless so directed by the General Assembly.

(3) The Secretary of the Department of Finance and Administration, if he or she deems it advisable, may require other employees of his or her office to furnish bond, in such penal sums as he or she shall determine.

(4)(A) The original of the bond of the Secretary of the Department of Finance and Administration shall be filed in the office of the Secretary of State, and an executed counterpart thereof shall be filed in the office of the Auditor of State.

(B) Any bonds which may be required of employees shall be filed with the Secretary of the Department of Finance and Administration.

History. Acts 1955, No. 315, § 3; 1971, No. 707, § 1; A.S.A. 1947, § 13-203; Acts 2019, No. 910, § 3428.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a); and substituted "Secretary of the Department of Finance and Administration" for "director" in (b) and throughout (c).

19-1-203. Deputy director.

The Deputy Director of the Department of Finance and Administration, acting under the authority granted to him or her by the Secretary of the Department of Finance and Administration, and under the laws relating to budget and accounting procedure, shall:

(1) Prepare and publish all necessary rules for carrying out the budget and accounting laws of the state and have the authority to require of any state agency the necessary fiscal information for carrying out such laws;

(2) Acting in behalf of the Governor and the secretary, prepare the preliminary budget information biennially to be submitted to the Legislative Council and to the members of the General Assembly for consideration of the budget requirements of all state agencies; and

(3) Be prepared, when called upon to do so, to appear before the Legislative Council and committees of the General Assembly for the purpose of supplying information and reporting upon the financial condition of the state or any of its agencies.

History. Acts 1955, No. 315, § 7; A.S.A. 1947, § 13-208; Acts 2001, No. 1453, § 1; 2019, No. 315, § 1690; 2019, No. 910, § 3429.

Amendments. The 2019 amendment by No. 315 substituted “rules” for “regulations” in (1).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

19-1-204. Personnel.

(a) Except as otherwise provided for by this subchapter, all of the personnel of the Department of Finance and Administration shall be employed by and serve at the pleasure of the Secretary of the Department of Finance and Administration.

(b) Nothing contained in this subchapter shall be so construed as to inhibit the rights of any employees of the department who shall have gained civil service or merit system status under any law of this state.

History. Acts 1955, No. 315, § 7; A.S.A. 1947, § 13-207; 2019, No. 910, § 3430.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in (a).

19-1-205. Office.

The Building Authority Division shall assign to the Department of Finance and Administration and divisions of the department suitable office space with the necessary conveniences for the transaction of the department’s business and the safekeeping of the department’s records.

History. Acts 1955, No. 315, § 4; A.S.A. 1947, § 13-204; Acts 2009, No. 251, § 1; 2015 (1st Ex. Sess.), No. 7, § 9; 2015 (1st

Ex. Sess.), No. 8, § 9; 2019, No. 910, § 6079.

Amendments. The 2019 amendment

deleted "of the Department of Finance and Administration" following "Building Authority Division".

19-1-206. Seal.

The Governor shall procure an official seal for the Department of Finance and Administration. Every paper executed by the Secretary of the Department of Finance and Administration or by any other employee of the department and sealed with its official seal shall be received in evidence in any court or other tribunal and may be recorded in the same manner and with like effect as deeds regularly acknowledged.

History. Acts 1955, No. 315, § 4; A.S.A. substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in the second sentence.

Amendments. The 2019 amendment

19-1-207. General accounting system.

The Secretary of the Department of Finance and Administration shall:

(1) Have the duty and responsibility of enforcing the general accounting and fiscal procedures of the State of Arkansas which have been placed upon him or her by law;

(2) Exercise supervision over the general accounting system of the state and of state agencies; and

(3) Maintain in his or her office a system of accounts and control which will at all times reflect:

(A) The unencumbered balance of all funds and accounts carried on the books of the Auditor of State and the Treasurer of State;

(B) The distribution and allotment of state revenues; and

(C) A detailed record of the receipts and expenditures of all State Treasury funds.

History. Acts 1955, No. 315, § 7; A.S.A. substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language.

Amendments. The 2019 amendment substituted "Secretary of the Department

19-1-208. Rules.

The Secretary of the Department of Finance and Administration is vested with the authority to make such reasonable rules, not inconsistent with the law, as shall be necessary or desirable for the orderly discharge of the duties vested in the Department of Finance and Administration.

History. Acts 1955, No. 315, § 7; A.S.A. by No. 315 deleted "and regulations" following "Rules" in the section heading; and deleted "and regulations" following "rules".

Amendments. The 2019 amendment

The 2019 amendment by No. 910 substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

19-1-209. Publications required.

(a) The Secretary of the Department of Finance and Administration shall publish and furnish copies to all state agencies of such rules as are issued by him or her, pursuant to the provisions of law, providing for a general accounting procedure.

(b) The secretary shall also publish, not less often than biennially, a financial report covering the fiscal affairs of the state and state agencies and shall make the report available to:

- (1) Members of the General Assembly;
- (2) State agencies; and
- (3) Others having an interest therein.

History. Acts 1955, No. 315, § 7; A.S.A. 1947, § 13-207; Acts 2019, No. 315, § 1692; 2019, No. 910, §§ 3434, 3435.

Amendments. The 2019 amendment by No. 315 substituted "rules" for "regulations" in (a).

The 2019 amendment by No. 910 substituted "Secretary of the Department of

Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in the introductory language of (b).

19-1-210. Recordkeeping.

(a) For the purpose of effectively carrying out the fiscal procedures provided for by law, the Secretary of the Department of Finance and Administration shall have the authority to install such recordkeeping and other procedures in his or her own office and in other state offices and departments as he or she shall deem necessary or advisable.

(b) The secretary shall have the authority to require from any state agency any fiscal information which will be necessary for providing adequate records in his or her office and shall prescribe uniform records and forms for all vouchers and other documents which are to be transmitted to the Department of Finance and Administration.

History. Acts 1955, No. 315, § 7; A.S.A. 1947, § 13-207; Acts 2019, No. 910, § 3436.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" in (b).

19-1-211. Investigations.

(a)(1) In any matter within the jurisdiction of the Department of Finance and Administration, the Secretary of the Department of

Finance and Administration shall have the power to make investigations and may delegate that power to any division or section head of the department.

(2) For this purpose, the secretary shall have the power to subpoena witnesses and require the production of any books, records, papers, or documents that may be material or relevant as evidence and to administer oaths to and take the testimony of witnesses.

(b)(1) In case of disobedience to any subpoena or other process, the secretary may invoke the aid, with the written approval of the Governor, of the Pulaski County Circuit Court in requiring the testimony of witnesses and the production of evidence, books, records, papers, or documents.

(2)(A) In case of refusal to obey the subpoena issued to any person, firm, or corporation, the circuit court shall issue an order calling such person, firm, or corporation to appear before the secretary or other employee designated by the secretary and to produce all books and papers so ordered and give evidence touching the matter in question.

(B) Any failure to obey the order of the circuit court may be punished by the circuit court as contempt of the circuit court.

(c) A subpoena for a witness may be issued by the secretary or by any division or section head of the department in whom any such authority may have been vested by the secretary and shall be served as provided by law for the service of other subpoenas.

(d)(1)(A) The failure or refusal of any witness to appear or to produce any books, papers, or documents required by the secretary and to submit them for inspection or the refusal to answer any relevant question propounded by the secretary shall constitute a violation punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(B) Each failure or refusal by any witness to appear or produce any such books, papers, or documents shall constitute a separate offense.

(2) False testimony given in any such inquiry shall constitute perjury punishable as provided by law.

History. Acts 1955, No. 315, § 7; A.S.A. 1947, § 13-207; Acts 2005, No. 1994, § 100; 2019, No. 910, § 3437.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" in (a)(2), throughout (b), twice in (c), and twice in (d)(1)(A).

19-1-212. Duty to avoid deficit.

It shall be the duty and responsibility of the Secretary of the Department of Finance and Administration to:

(1) Keep advised at all times as to the revenues and other income available for the operation, maintenance, and improvement of all state agencies;

(2) Exercise the powers conferred upon him or her by law to see that the state and all state agencies are maintained on a basis of accounting

recommended by the Governmental Accounting Standards Board for governmental purposes;

(3) See that no obligation shall be incurred which shall not be payable when the obligation shall become due; and

(4) Exercise his or her powers to see that the funds on hand and estimated to become available to each state agency shall be sufficient to maintain the state and all of its agencies on a sound financial basis without incurring a deficit.

History. Acts 1955, No. 315, § 7; A.S.A. 1947, § 13-207; Acts 2001, No. 1453, § 2; 2019, No. 910, § 3438.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language.

19-1-213. Leasing of state property.

(a) The Secretary of the Department of Finance and Administration may lease, with approval of the Governor, any state property, real or personal, which is not needed for public use, and the leasing of which is not prohibited by law, where the authority to lease the property is not vested in any other state agency.

(b) No property shall be leased under this section for a term exceeding two (2) years.

History. Acts 1955, No. 315, § 7; 1973, No. 876, § 31; A.S.A. 1947, § 13-207; Acts 2019, No. 910, § 3439.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

19-1-214. Federal gifts and surplusage.

The Secretary of the Department of Finance and Administration may enter into any contract with the United States Government or with any agency thereof for the purpose of accepting gifts and for the acquisition of surplus materials or property upon such terms and conditions as may be agreed upon without regard to the provisions of this subchapter or any other law that requires advertisement for bids or the soliciting or receiving of competitive bids.

History. Acts 1955, No. 315, § 7; 1973, No. 876, § 31; A.S.A. 1947, § 13-207; Acts 2019, No. 910, § 3440.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" and "United States Government" for "United States of America".

SUBCHAPTER 3 — FISCAL IMPACT STATEMENTS

SECTION.

19-1-301. Definition.

19-1-302. Before adoption of rule, etc.

19-1-303. Bills imposing new or addi-

tional costs on municipal-
ity or county — Fiscal im-
pact statements —
Definition.

19-1-301. Definition.

As used in this subchapter, unless the context otherwise requires, "fiscal impact statement" means a realistic statement of the estimated financial cost of implementing or complying with the proposed law, rule, policy, order, or administrative law upon municipalities or counties to which the proposed law, rule, policy, order, or administrative law applies.

History. Acts 1977, No. 221, § 1; A.S.A. 1947, § 13-2301; Acts 2019, No. 315, § 1693.

Amendments. The 2019 amendment deleted "regulation" following "proposed law" twice.

19-1-302. Before adoption of rule, etc.

(a) No rule, policy, order, or administrative law which would have a fiscal impact on any municipality or county in this state shall be valid unless, thirty (30) days prior to its adoption by a board, commission, agency, department, officer, or other authority of the government of the State of Arkansas, excepting the General Assembly, the courts, and the Governor, the board, commission, agency, department, officer, or other authority has filed a fiscal impact statement with the Secretary of State.

(b) Any municipality or county which will be affected by the proposed rule, policy, order, or administrative law upon request shall immediately be furnished with a copy of the fiscal impact statement by the board, commission, agency, department, officer, or other authority.

History. Acts 1977, No. 221, § 2; A.S.A. 1947, § 13-2302; Acts 2019, No. 315, § 1694.

substituted "rule" for "regulation" in the section heading; deleted "regulation" following "No" in (a); and deleted "regulation" following "proposed" in (b).

Amendments. The 2019 amendment

19-1-303. Bills imposing new or additional costs on municipality or county — Fiscal impact statements — Definition.

(a)(1) Any bill filed with the Senate that requires an expenditure of public funds by a municipality or county, or otherwise imposes a new or increased cost obligation on any municipality or county, shall have a fiscal impact statement attached to it, prepared by the author of the bill and filed with the bill at the time of its introduction. A copy of such fiscal impact statement shall be placed on the desk of each member of the Senate committee to which the bill is referred before the bill may be called up for final action in the committee. A copy of it shall also be placed on the desk of each member of the Senate before a final vote may be taken on it for final passage.

(2) If the author of any Senate or House of Representatives bill affected by this section shall fail to file a fiscal impact statement, any member of the Senate committee to which the bill is referred may object to its being called up for final action in the committee until a fiscal

impact statement is made available to the committee. If such an objection is made by a member of the Senate committee, the chair of the committee shall refer the bill to the appropriate state agency or to the legislative staff for the preparation of a fiscal impact statement, to be returned to the committee in writing not later than five (5) days from the date of the request.

(3) If any such Senate or House bill is called up for final passage in the Senate and a fiscal impact statement has not been provided by the author of the bill or by the committee to which the bill was referred, any member of the Senate may object to the bill's being called up for final passage until a fiscal impact statement is prepared and made available on the desk of each member of the Senate at least one (1) day prior to the bill's being called up for final passage. If such an objection is made, the presiding officer of the Senate shall cause the bill to be referred to the appropriate state agency or to the designated legislative staff for the preparation of a fiscal impact statement, which shall be filed in writing with the Senate not later than five (5) days from the date of the request.

(b)(1) When any House or Senate bill requiring an expenditure of public funds or otherwise imposing a new or increased cost obligation on any municipality or county is pending before any committee of the House of Representatives, any member of the committee may request that a fiscal impact statement for the bill be placed on the desk of each member of the committee before the bill is called up for final action in the committee. If the request is made, the chair of the committee shall refer the bill to the appropriate state agency or to the legislative staff for the preparation of a fiscal impact statement, to be returned to the committee in writing not later than five (5) days from the date of the request.

(2) Any time before the bill is read the third time in the House of Representatives, a member of the House of Representatives may request that a fiscal impact statement for the bill be prepared and placed on the desk of each member. When a member of the House of Representatives so requests a fiscal impact statement on any bill, the Speaker of the House of Representatives shall furnish the member a fiscal impact statement signature form which shows the number of the bill for which the statement is requested and the date and time the request was made. If the member returns the form containing the signature of the requesting member and the signatures of at least nine (9) other House of Representatives members within thirty (30) minutes of the time shown on the form, the fiscal impact statement shall be prepared and placed on the desk of each member of the House of Representatives before the bill is read the third time.

(3) If a bill is called up for final passage in the House of Representatives and a fiscal impact statement has not been provided for the bill, any member of the House of Representatives in which the bill is being considered may move that a final vote on the passage of the bill be delayed until a fiscal impact statement is prepared and made available

on the desk of each member of the House of Representatives at least one (1) full day prior to the bill's being called up for final passage. If the motion is made and is adopted by a majority vote of the membership of the House of Representatives, the Speaker of the House of Representatives shall cause the bill to be referred to the appropriate state agency or to the designated legislative staff for the preparation of a fiscal impact statement, which shall be filed with the House of Representatives within five (5) days of the date of the request.

(c) Failure of the sponsor of a bill to provide the fiscal impact statement required in this section shall not prohibit the consideration of it in the committee to which referred or on the floor of the house in which the bill is called up for final passage if no objection to it is made at the time such action is taken.

(d) Nothing in this section shall prohibit a committee to which a bill is referred or the house in which the bill is being considered from suspending the requirement of the filing of a fiscal impact statement on any such bill in the same manner as provided for the suspension of the rules in the house in which the bill is being considered.

(e) Copies of fiscal impact statements prepared in compliance with this section shall be made available upon request for them to representatives of municipal or county governments. A fiscal impact statement filed or prepared in compliance with this section is declared to be a public record within the meaning of the Freedom of Information Act of 1967, § 25-19-101 et seq.

(f) For the purposes of this section, the term "fiscal impact statement" means a realistic statement of the estimated financial cost to municipalities or counties of implementing or complying with a proposed law and rules promulgated under it.

History. Acts 1985, No. 806, § 1; A.S.A. 1947, § 13-2304; Acts 1992 (1st Ex. Sess.), No. 43, § 1; 2019, No. 315, § 1695.

Amendments. The 2019 amendment substituted "rules" for "regulations" in (f).

SUBCHAPTER 4 — OFFICERS' SURETY BONDS

SECTION.

19-1-405. State agency employees as disbursing agents.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two

uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through

6343 of this act being necessary for the and safety shall become effective on July preservation of the public peace, health, 1, 2019".

19-1-405. State agency employees as disbursing agents.

(a)(1) In the event the executive head of any state agency designates some full-time employee to act as his or her agent in the disbursement of funds under his or her control, the agent shall furnish additional bond to be fixed by the Secretary of the Department of Finance and Administration.

(2) The executive head of the state agency shall notify the secretary and the Auditor of State in writing of the designation and shall furnish to the secretary and the Auditor of State a sample of the signature of the agent.

(b) In the event appropriations are made available to a state agency or to a nongovernment agency or activity and no disbursing agent is provided for by law, then the secretary and the Auditor of State shall designate a person to act as disbursing agent and fix the amount of bond for such purposes.

History. Acts 1975, No. 677, § 3; A.S.A. 1947, § 13-412.2; Acts 2019, No. 910, § 3441.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a)(1); and substituted "secretary" for "director" twice in (a)(2) and in (b).

SUBCHAPTER 5 — INVESTMENT OF PUBLIC FUNDS

SECTION.

19-1-501. "Eligible investment securities" defined.

19-1-501. "Eligible investment securities" defined.

As used in this subchapter, "eligible investment securities" means:

(1) A direct or guaranteed obligation of the United States that is backed by the full faith and credit of the United States Government;

(2) A direct obligation of an agency, instrumentality, or government-sponsored enterprise created by act of the United States Congress and authorized to issue securities or evidences of indebtedness, regardless of whether the securities or evidences of indebtedness are guaranteed for repayment by the United States Government;

(3) A bond or other debt of the state, a school district, a county government, a municipal government, or an authority of a governmental entity that:

(A) Is issued for an essential governmental purpose or is guaranteed by a state agency; and

(B) Has a debt rating from a nationally recognized credit rating agency of "A" or better at the time of purchase; and

(4) A bond from the State of Israel that is guaranteed and backed by the full faith and credit of the government of Israel as the sovereign debt of the State of Israel.

History. Acts 1943, No. 273, § 2; 1973, No. 106, § 2; A.S.A. 1947, § 13-902; Acts 2011, No. 629, § 1; 2017, No. 644, § 1.

Amendments. The 2017 amendment added (4).

SUBCHAPTER 6 — STATE FISCAL MANAGEMENT RESPONSIBILITY ACT

SECTION.
19-1-602. Intent and purpose.
19-1-603. Definitions.
19-1-605. Civil procedures apply.
19-1-608. Notification of Department of Finance and Administration — Review.

SECTION.
19-1-609. Executive agencies.
19-1-610. Investigation and suit by Attorney General.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-1-602. Intent and purpose.

- (a) The General Assembly has enacted various laws relating to the receipting, disbursing, depositing, and accounting for public funds, as well as laws relating to establishing salaries, and the purchasing of commodities by various state agencies. In addition, the Department of Finance and Administration or other appropriate agency has issued rules pertaining to the administration of these various laws.
- (b) It is the intent of the General Assembly that all state officers and employees comply with the provisions of these laws and rules. Presently, most of these laws and rules do not provide penalty provisions for violations thereof.
- (c) It is the purpose of this subchapter to provide procedures and civil penalties regarding violations of the fiscal responsibility and management laws of the state.

History. Acts 1991, No. 280, § 2; 2019, No. 315, § 1696.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in the second sentence of (a); and substituted “rules” for “regulations” twice in (b).

19-1-603. Definitions.

As used in this subchapter:

(1) “Agency” means any state agency, bureau, board, commission, council, department, institution, or office of the State of Arkansas;

(2) “Executive agencies” means all agencies other than constitutional, judicial, and legislative officers, agencies, and departments;

(3) “Fiscal responsibility and management laws” means the following laws and rules applicable thereto, as amended:

(A) General Accounting and Budgetary Procedures Law, § 19-4-101 et seq.;

(B) State procurement laws, Arkansas Code Title 19, Chapter 11;

(C) Attendance and leave laws, § 21-4-101 et seq.;

(D) Regular Salary Procedures and Restrictions Act, §§ 19-4-1601 and 21-5-101;

(E) Uniform Classification and Compensation Act, § 21-5-201 et seq.;

(F) Higher Education Expenditure Restriction Act, § 6-63-301 et seq.;

(G) Accounts and Notes Receivable Abatement Act for the State of Arkansas, § 19-2-301 et seq.;

(H) Revenue Stabilization Law, § 19-5-101 et seq.;

(I) Revenue Classification Law, § 19-6-101 et seq.;

(J) Depositories for public funds, § 19-8-101 et seq.;

(K) Public works, § 22-9-101 et seq.; and

(L) State Fiscal Management Responsibility Act, § 19-1-601 et seq.;

(4) “Knowingly” means that a person is aware or should have been aware that his or her conduct will violate the fiscal responsibility and management laws; and

(5) “Public officer or employee” means any officer or employee of the State of Arkansas.

History. Acts 1991, No. 280, § 3; 1995, No. 1296, § 67; 2015, No. 557, § 2; 2019, No. 315, § 1697.

Amendments. The 2019 amendment substituted “rules” for “regulations” in the introductory language of (3).

19-1-605. Civil procedures apply.

All actions and procedures under the provisions of this subchapter are civil in nature and shall be governed by the appropriate rules and laws regarding civil actions and remedies.

History. Acts 1991, No. 280, § 15; 2019, No. 315, § 1698.

Amendments. The 2019 amendment deleted “regulations” following “rules”.

19-1-608. Notification of Department of Finance and Administration — Review.

(a) Within thirty (30) days after the expiration of the time period for the public officer or employee to effect corrective or remedial action, the

agency shall transfer to the Secretary of the Department of Finance and Administration a document containing a summary of the violation and any corrective remedial action taken.

(b)(1) The secretary shall review the summaries of violations received. The secretary may:

(A) Accept the summary and approve the corrective or remedial action by the agency;

(B) Request additional information regarding the violation and corrective or remedial action by the agency; or

(C) Impose additional corrective or remedial action upon public officers and employees of executive agencies as provided in § 19-1-609.

(2) Quarterly, the secretary shall submit a summary of all violations of the fiscal responsibility and management laws, including any corrective or remedial action by the agency or the secretary, to the Governor and members of the General Assembly.

History. Acts 1991, No. 280, §§ 8, 9; 2019, No. 910, § 3442.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" throughout (b).

19-1-609. Executive agencies.

(a) Before the Secretary of the Department of Finance and Administration may impose additional corrective or remedial action regarding public officers or employees of executive agencies, the secretary shall conduct an investigation regarding any violation. The public officer or employee shall be notified and given the opportunity for a hearing conducted by the secretary regarding any violation.

(b) The secretary may impose any one (1) or more of the following as additional corrective or remedial action:

(1) Oral or written warnings or reprimands;

(2) Suspension with or without pay for specified periods of time; or

(3) Termination of employment.

History. Acts 1991, No. 280, § 14; 2019, No. 910, § 3443.

Amendments. The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Direc-

tor of the Department of Finance and Administration" in (a); and substituted "secretary" for "director" throughout the section.

19-1-610. Investigation and suit by Attorney General.

(a) The Secretary of the Department of Finance and Administration, the Legislative Joint Auditing Committee, or the Legislative Council may request the office of the Attorney General to review any information concerning any violation of the fiscal responsibility and management laws of the state in order to determine whether legal action is appropriate.

(b) The Attorney General may file a civil suit in the circuit court against the public officer or employee violating the fiscal responsibility and management laws. Venue shall be in the county where the violation occurred. However, if the violation occurred outside the borders of the state, venue shall be in Pulaski County.

History. Acts 1991, No. 280, §§ 10, 11; 2019, No. 910, § 3444.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in (a).

SUBCHAPTER 7 — FISCAL IMPACT STATEMENTS

SECTION.

19-1-701. Definition.

19-1-702. Fiscal impact statements required for rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-1-701. Definition.

(a) As used in this subchapter, “fiscal impact statement” means a realistic statement of the purpose of a proposed law, or a rule promulgated under a law, and the estimated financial cost to the state or any local school district of implementing or complying with the proposed law or rule.

(b) A fiscal impact statement shall be developed with the guidance of the Office of Economic and Tax Policy of the Bureau of Legislative Research and with the approval of the Division of Elementary and Secondary Education.

History. Acts 1995, No. 1253, § 1; 2009, No. 251, § 3; 2011, No. 856, § 1; 2019, No. 315, § 1699; 2019, No. 910, § 2252.

Amendments. The 2019 amendment by No. 315 substituted “rule” for “regulation” twice in (a).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (b).

19-1-702. Fiscal impact statements required for rules.

Thirty-five (35) days prior to the adoption of any rule or other proposal that will impose a new or increased cost obligation for education on the state or any local school district, the board, commission, agency, department, officer, or other authority, excepting the General Assembly and the courts, shall give notice of such rule or proposal and shall file a fiscal impact statement with the Secretary of State and the House Committee on Education and the Senate Committee on Education.

History. Acts 1995, No. 1253, § 2; substituted “rules” for “regulations” in the 1997, No. 112, § 28; 2019, No. 315, section heading; and substituted “rule” for § 1700. “regulation” twice.

Amendments. The 2019 amendment

CHAPTER 2

STATE REVENUES — RECEIPTS AND EXPENDITURES GENERALLY

SUBCHAPTER.

2. RECEIPTS GENERALLY.
3. ACCOUNTS AND NOTES RECEIVABLE ABATEMENT.
5. CANCELED CHECKS.

SUBCHAPTER 2 — RECEIPTS GENERALLY

SECTION.

19-2-203. Receipts by Department of Finance and Administration
— Additional penalty.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-2-203. Receipts by Department of Finance and Administration — Additional penalty.

(a) If any person, firm, corporation, partnership, or business makes payment to the Department of Finance and Administration for any license or fees imposed by the laws of this state by means of a check,

draft, or order drawn on any bank, person, firm, or corporation, and the check, draft, or order is returned by the bank, person, firm, or corporation without having been paid in full, then the Secretary of the Department of Finance and Administration is authorized and empowered to impose a penalty. The penalty shall be in the amount of either ten percent (10%) of the face amount of the check, draft, or order or twenty dollars (\$20.00), whichever is greater, against the maker or drawer of the check, draft, or order.

(b) This penalty is cumulative to any other penalties provided by law.

History. Acts 1981, No. 853, § 1; A.S.A. 1947, § 13-607.1; Acts 1997, No. 702, § 2; 2019, No. 910, § 3445.

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in the first sentence of (a).

SUBCHAPTER 3 — ACCOUNTS AND NOTES RECEIVABLE ABATEMENT

SECTION.
19-2-307. Rules.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-2-307. Rules.

The Secretary of the Department of Finance and Administration is authorized to promulgate such rules as deemed necessary to implement the provisions and intent of this subchapter.

History. Acts 1983, No. 497, § 7; A.S.A. 1947, § 13-373; Acts 2019, No. 315, § 1701; 2019, No. 910, § 3446.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “Rules” in the section heading; and deleted “and regulations” following “rules”.
The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration”.

SUBCHAPTER 5 — CANCELED CHECKS

SECTION.

19-2-505. Approval by Arkansas Legislative Audit.

19-2-506. Digital images or copies of documentation.

SECTION.

19-2-509. Effect on other laws.

19-2-505. Approval by Arkansas Legislative Audit.

(a) A financial institution desiring to provide public entities with images of canceled checks as provided in this subchapter shall provide a sample of imaged documents in one (1) or more of the following formats to Arkansas Legislative Audit for review:

- (1) Stored on a CD-ROM or similar tangible digital media;
- (2) Accessible through the internet; or
- (3) On paper.

(b) Upon receipt of imaged documents submitted under subsection (a) of this section, Arkansas Legislative Audit shall immediately review and notify the financial institution whether or not the imaged documents are in compliance with this subchapter.

History. Acts 1999, No. 648, § 5; 2019, No. 255, § 1.

Amendments. The 2019 amendment inserted designations (a) and (b); added (a)(1) through (a)(3); in the introductory paragraph of (a), deleted “on paper or by digital media” following “checks”, and sub-

stituted “in one (1) or more of the following formats” for “or the digital media”; and in (b), inserted “of imaged documents submitted under subsection (a) of this section”, and deleted “or digital media” following the second occurrence of “documents”.

19-2-506. Digital images or copies of documentation.

(a) After a financial institution has received written notification from Arkansas Legislative Audit that the submitted samples of its imaged documents under § 19-2-505 comply with this subchapter and upon agreement with the public entity, the financial institution may provide the public entity canceled check images in the format and quality approved by Arkansas Legislative Audit.

(b) The canceled check images of financial transactions provided to the public entity by the financial institution under this subchapter shall be legible and show both the front and back images of the canceled checks.

(c)(1) If a financial institution provides canceled check images on tangible digital media under this subchapter, the images shall be provided on a read-only CD-ROM or other agreed upon digital media that would provide a permanent and tamper-proof record.

(2)(A) If particular software is needed to view or search the digital images provided under this subchapter, the financial institution shall provide the software to the public entity and, upon request, to Arkansas Legislative Audit.

(B) Software provided under subdivision (c)(2)(A) of this section shall make canceled check images clear and readable.

(3) Before delivery of a CD-ROM or other tangible digital media to a public entity, a financial institution shall perform random verification of the legibility of the contents of the data.

(d)(1) If a financial institution provides canceled check images to a public entity through internet access to online banking documents under this subchapter, the financial institution may provide Arkansas Legislative Audit read-only internet access to the public entity's online banking documents.

(2) Read-only internet access granted under subdivision (d)(1) of this section shall permit viewing and copying of each public entity's bank statements, canceled check images, deposit slips, and other financial transaction documentation made available to the public entity.

(3)(A) If particular software is needed to view or search images made available under this subsection, the financial institution shall provide the necessary software to the public entity and, upon request, to Arkansas Legislative Audit.

(B) Software provided under subdivision (d)(3)(A) of this section shall make canceled check images clear and readable.

(4) An online banking document made available to a public entity under this subsection shall be available for read-only internet access for at least five (5) years after the document is made available to the public entity online.

(e) If a financial institution provides canceled check images on paper under this subchapter, the images shall be of such clarity and size that the details may be read without the aid of a magnifying device.

(f)(1) If a financial institution provides canceled check images under this subchapter, the financial institution shall implement one (1) of the following procedures to provide verification of the authenticity of the records retained by the public entity:

(A) A duplicate copy of the check images on paper and statements mailed to Arkansas Legislative Audit on a monthly basis;

(B) The use of an identifying mark unique to the financial institution on the paper images of checks sent to the public entity;

(C) The delivery of a duplicate copy of the check images stored on tangible digital media, conforming to the digital imaging specifications stated in this subchapter, to Arkansas Legislative Audit on a monthly basis;

(D) The provision to Arkansas Legislative Audit of read-only internet access to the public entity's online banking documents in accordance with the requirements of this subchapter; or

(E) Any other authenticating method approved by Arkansas Legislative Audit.

(2) A financial institution may elect which of the procedures listed in subdivision (f)(1) of this section it shall implement to provide authentication of images relating to the accounts of each public entity.

(g) A financial institution shall be able to, and, at the request of Arkansas Legislative Audit, shall provide duplicate copies of any checks and statements delivered to a public entity:

- (1) With the same clarity and size as the imaged documents previously delivered; and
- (2) In the format requested by Arkansas Legislative Audit if the format is currently available to the financial institution.

History. Acts 1999, No. 648, § 6; 2019, No. 255, § 1. **Amendments.** The 2019 amendment rewrote the section.

19-2-509. Effect on other laws.

The provisions of this subchapter do not change, amend, or repeal any laws or rules regarding a financial institution’s normal obligations and responsibilities to maintain customer financial records.

History. Acts 1999, No. 648, § 9; 2019, No. 315, § 1702. **Amendments.** The 2019 amendment substituted “rules” for “regulations”.

CHAPTER 3

STATE TREASURY MANAGEMENT

SUBCHAPTER.

- 4. TEMPORARY LOANS TO LOCAL GOVERNMENTS.
- 5. STATE TREASURY MANAGEMENT LAW.
- 6. STATE TREASURY MONEY MANAGEMENT TRUST.
- 7. STATE BOARD OF FINANCE.

SUBCHAPTER 4 — TEMPORARY LOANS TO LOCAL GOVERNMENTS

SECTION.

19-3-403. Rules.

19-3-403. Rules.

The State Board of Finance may promulgate appropriate rules for the administration of this subchapter, including the establishment of the necessary forms and loan instruments to be used in connection with making loans under the provisions of this subchapter.

History. Acts 1977 (1st Ex. Sess.), No. 15, § 3; A.S.A. 1947, § 13-443; Acts 2019, No. 315, § 1703. deleted “and regulations” following “Rules” in the section heading; and deleted “and regulations” following “rules”.
Amendments. The 2019 amendment

SUBCHAPTER 5 — STATE TREASURY MANAGEMENT LAW

SECTION.

- 19-3-502. Definitions.
- 19-3-504. Record and report of financial transactions.
- 19-3-506. Custodian of moneys and securities — Internal controls — Annual audit.
- 19-3-510. Types of accounts for deposits.

SECTION.

- 19-3-518. Investments in securities and bank certificates of deposit.
- 19-3-521. Securities Reserve Fund.
- 19-3-523. Purchase of bonds by Treasurer of State.

Effective Dates. Acts 2017, No. 291, § 3: June 30, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act amends the dates of the Treasurer of State's reporting requirements in an effort to achieve more accurate and efficient reporting; that the next reporting cycle begins at the beginning of the next fiscal year on July 1, 2017; that it is in the best interests of the state to have accurate and efficient reporting by the Treasurer of State; that the provisions of this act should be effective before the next billing cycle to allow the Treasurer of State to implement this act; and that this act is necessary because it will allow for the Treasurer of State to provide more accurate and efficient reporting in the next reporting cycle. Therefore, an emer-

gency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on June 30, 2017."

Acts 2017, No. 555, § 8: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly that this act amends the investment and transfer authority of the Treasurer of State; that this act affects the ability of the Treasurer of State to invest and transfer state funds; and that this act should become effective as soon as possible to allow for implementation of the new provisions to benefit the State of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017."

19-3-502. Definitions.

As used in this subchapter:

(1) "Bank" means:

(A) A state bank, a national bank, or an out-of-state state-chartered bank that has received a certificate of authority under § 23-48-1001; and

(B) A foreign bank organized under the laws of a territory of the United States, Puerto Rico, Guam, American Samoa, or the United States Virgin Islands if the deposits of the foreign bank are insured by the Federal Deposit Insurance Corporation;

(2) "Bank depository" means a bank or savings and loan association that accepts a deposit of funds from the State Treasury;

(3) "Capital base" means the sum of a bank's capital stock, surplus, and undivided profits, plus any additions and less any subtractions which the Bank Commissioner may by rule prescribe;

(4) "Cash Account" means the asset account in the State Treasury consisting of all cash:

(A) In the hands of the Treasurer of State; and

(B) On deposit in the name of the Treasurer of State in a bank depository;

(5) "Certificate of Deposit Account" means the asset account in the State Treasury consisting of all, but only, certificates of deposit acquired by the Treasurer of State through the State Treasury Certificate of Deposit Investment Program;

(6) "Fund account" means a specifically named liability account in the State Treasury to which moneys are credited upon receipt and charged upon withdrawal that:

(A) Is created or authorized by law; and

(B) Reflects the amount of money owed to an agency or instrumentality of the State of Arkansas;

(7) "Gross treasury fund balances" means the aggregate total amount of the balances standing to the credit of all funds on the records of the Treasurer of State;

(8) "Investment depository" means a person or entity that accepts money or securities from the State Treasury for investment purposes;

(9) "National bank" means a national banking association organized to carry on the business of banking under Title 12, Chapter 2, of the United States Code;

(10) "Safekeeping Account" means the account in the State Treasury administered by the Treasurer of State for the benefit of other government entities consisting of all securities received by the Treasurer of State from the administrators of the several state retirement systems and other trust accounts;

(11) "Savings and loan association" means a corporation carrying on the business of a savings and loan association or a building and loan association under a charter issued by this state or any federal savings association or federal savings bank that is chartered under federal law;

(12) "Securities Account" means the asset account in the State Treasury consisting of all securities held by the Treasurer of State through its investment of gross state fund balances;

(13)(A) "Securities broker" means a person or entity that:

(i) Buys or sells an investment for the State Treasury; or

(ii) Receives any form of compensation or remuneration in connection with the purchase or sale of an investment of State Treasury funds.

(B) "Securities broker" includes a stock broker, a securities broker, an investment adviser, and any other person or entity that facilitates or helps to facilitate a transaction concerning an investment of State Treasury funds;

(14) "State bank" means a state bank as defined in § 23-45-102;

(15) "State Treasury" means all moneys, securities, and gross treasury fund balances administered by the Treasurer of State;

(16) "Trust Deposit Account" means the asset account in the State Treasury consisting of all, but only, certificates of deposit administered by the Treasurer of State for the benefit of the several retirement systems and other trust fund accounts;

(17) "Trust fund account" means a specifically named liability account designated by law as a trust fund in the State Treasury to which moneys are credited upon receipt and debited upon withdrawal, representing the balance owed by the State Treasury to agencies and instrumentalities of the State of Arkansas; and

(18) "Trust Investment Account" means the asset account in the State Treasury consisting of all, but only, securities administered by the Treasurer of State for the benefit of the several retirement systems and other trust fund accounts.

History. Acts 1997, No. 847, § 1; 2013, No. 1088, § 2; 2019, No. 315, § 1704. **Amendments.** The 2019 amendment substituted “rule” for “regulation” in (3).

19-3-504. Record and report of financial transactions.

(a)(1)(A) The State Board of Finance shall:

(i) Establish the record-keeping requirements of the Treasurer of State for the State Treasury; and

(ii) Require that:

(a) The liability accounts of the State Treasury be recorded in amounts and sufficient detail to allow the identification of the governmental entity to which funds are owed;

(b) The asset accounts of the State Treasury be recorded in amounts and sufficient detail to identify the type of assets owned; and

(c) All accounts of the State Treasury be recorded using a basis of accounting approved by the board that is consistent with generally accepted accounting principles.

(B) The record-keeping requirements under subdivision (a)(1)(A) of this section:

(i) May exceed the requirements of this section; and

(ii) Shall include without limitation records showing:

(a) The identity of each fund and category of funds; and

(b) A comparison of:

(1) Liquidity requirements established by the board and the State Treasury’s actual liquidity; and

(2) The target rate of investment return established by the board and the State Treasury’s actual rate of investment return.

(2)(A) Each fund account shall be listed separately on the records of the Treasurer of State under its major group heading.

(B) For each fund account, each group, and each major group, the records shall reflect each day:

(i)(a) Summary financial transactions for the day and cumulative summary financial transactions for the current fiscal year.

(b) The summaries required by subdivision (a)(2)(B)(i)(a) of this section shall include:

(1) A statement of:

(A) Direct receipts;

(B) Transfer receipts;

(C) Disbursements by warrant redemption; and

(D) Disbursements by transfer; and

(2) The amount of uncollected checks legally charged off;

(ii) The credit balance at the close of business; and

(iii) The composition of gross treasury fund balances.

(3) Additionally, the records shall reflect in summary form the total principal amount of securities held in trust in the Safekeeping Account.

(4) The enumeration of requirements in this subsection does not:

(A) Limit the items of summary financial information that may be included in the records or reports of the Treasurer of State; or

(B) Exclude other primary, subsidiary, or auxiliary records as may be required by law, kept by the Treasurer of State, or as may be

required of the Treasurer of State by the Chief Fiscal Officer of the State in the performance of the duties of the Treasurer of State.

(b)(1) A daily and a monthly report of the information required by subsection (a) of this section shall be:

(A) Prepared by the Treasurer of State and delivered to the Chief Fiscal Officer of the State; and

(B) Open to public inspection during normal business hours.

(2) A report of the information required by subsection (a) of this section shall be delivered in electronic format annually to the Legislative Council, Arkansas Legislative Audit, and the Governor on:

(A) January 10 for the six-month period ending the immediately preceding December 31; and

(B) July 10 for the immediately preceding fiscal year.

History. Acts 1997, No. 847, § 1; 2013, No. 1088, § 2; 2017, No. 291, § 1.

Amendments. The 2017 amendment rewrote (b)(2).

19-3-506. Custodian of moneys and securities — Internal controls — Annual audit.

(a)(1) The Treasurer of State shall:

(A) Be custodian of all moneys, securities, and certificates of deposit at any time held in the State Treasury; and

(B) Maintain all moneys and securities consistent with generally accepted accounting principles.

(2) However, control of the disposition of securities is vested in the respective administrators of the several trust accounts for whom the securities are held.

(b) To ensure the financial integrity of the State Treasury, the Treasurer of State shall:

(1) Establish and maintain effective internal controls over financial reporting and record keeping, including the monitoring of ongoing activities, and comply with the Arkansas Constitution and applicable laws, rules, contracts, and agreements;

(2) Establish and maintain effective internal controls to prevent and detect fraud;

(3) With respect to State Treasury funds or other public funds, notify Arkansas Legislative Audit of all known fraud or suspected fraud or all known or suspected illegal acts involving the management or other employees of the Treasurer of State, the State Board of Finance, a bank depository, an investment depository, or a securities broker;

(4) Inform Arkansas Legislative Audit and the Chief Fiscal Officer of the State of any known material violations of the Arkansas Constitution or applicable statutes, rules, contracts, or agreements;

(5) Prepare records and reports in accordance with guidelines and timelines established by the Chief Fiscal Officer of the State to permit incorporation into the state's financial statements and to permit the audit of the state's financial statements and the records, reports, and financial statements of the Treasurer of State in a timely manner; and

(6) Make all financial records and related information available to Arkansas Legislative Audit, including the identification of significant personal or financial relationships between a director, officer, or employee of a bank depository, investment depository, or securities broker and an officer or employee of the Treasurer of State or board.

History. Acts 1997, No. 847, § 1; 2013, No. 1088, § 2; 2017, No. 263, § 1. for “the Division of Legislative Audit” and “State Board of Finance” for “board” in

Amendments. The 2017 amendment substituted “Arkansas Legislative Audit” (b)(3).

19-3-510. Types of accounts for deposits.

(a)(1) Funds from the State Treasury deposited into a bank depository or an investment depository shall be credited to accounts in the name of the Treasurer of State.

(2) Except as provided in § 19-3-512, the Treasurer of State may establish accounts as demand deposit accounts, certificates of deposit, or other accounts.

(b) The certificate of deposit account in a bank depository or an investment depository shall consist of funds from the State Treasury deposited under the State Treasury Certificate of Deposit Investment Program and trust funds deposited for various trust funds.

(c) The demand deposit account in a bank depository or an investment depository shall consist of:

(1) All federal funds, as described in § 19-7-101 et seq.;

(2) Trust funds to the extent that the trust funds are not invested in securities and certificates of deposit; and

(3) State funds to the extent that the state funds are not invested in securities.

(d) Funds from the State Treasury shall not be deposited into a bank depository or an investment depository except under the terms of a written agreement entered into between the Treasurer of State and the bank depository or investment depository that complies with applicable state law and rules and federal law, rules, and regulations.

History. Acts 1997, No. 847, § 1; 2009, No. 251, § 5; 2013, No. 1088, § 2; 2019, No. 315, § 1705. **Amendments.** The 2019 amendment inserted “law and rules” following “state” in (d).

19-3-518. Investments in securities and bank certificates of deposit.

(a)(1) Trust fund accounts in the State Treasury may be invested in:

(A) Certificates of deposit of banks and savings and loan associations; and

(B) Securities eligible under other law.

(2)(A) The administrator of a trust fund account shall review, from time to time, the flow of moneys through the trust fund account in the State Treasury to determine the estimated surplus moneys in the

trust fund account that exceed the immediate requirements of the trust fund account.

(B)(i)(a) After taking into consideration the amount of the estimated surplus moneys under subdivision (a)(2)(A) of this section, the administrator shall certify to the Treasurer of State the amount of surplus moneys and the period of time during which the surplus moneys are not required.

(b) The Treasurer of State shall invest the amount certified in certificates of deposit issued by eligible banks and savings and loan associations.

(c) If the Treasurer of State is unable to place the certified amount in certificates of deposit, then the remainder may be placed in securities with the administrator's approval.

(ii)(a) Moneys required for a purchase under this subdivision (a)(2)(B) shall be withdrawn from the Cash Account and paid to the bank depository issuing the certificate of deposit or the investment depository selling the securities.

(b)(1) The principal amount of the certificate of deposit shall be debited to the Trust Deposit Account.

(2) The principal amount of a security shall be debited to the Trust Investment Account.

(iii) The certificates of deposit shall be secured by the Treasurer of State in accordance with the collateralization and investment policies of the State Board of Finance.

(iv)(a) Interest on bank certificates of deposit shall be paid at competitive rates according to the investment policy established by the State Board of Finance.

(b) All interest income derived from certificates of deposit or securities shall be credited as trust fund income to the trust fund used to purchase a certificate of deposit or security.

(3)(A) The Securities Reserve Fund shall be maintained on demand deposit in depository banks.

(B) This subsection does not apply to the Securities Reserve Fund.

(b)(1)(A) The State Board of Finance may direct that a portion of state funds in the State Treasury be invested in certificates of deposit in the State Treasury Certificate of Deposit Investment Program as provided in § 19-3-519.

(B) The remaining portion of state funds in the State Treasury may be invested in:

(i) Certificates of deposit;

(ii) Direct obligations of the United States Government;

(iii) Obligations of agencies and instrumentalities created and authorized by act of the United States Congress to issue securities or evidences of indebtedness, regardless of guarantee of repayment by the United States Government;

(iv) Obligations in which the principal and interest are fully guaranteed by:

(a) The United States Government; or

(b) An agency or an instrumentality created by an act of the United States Congress and authorized by the United States Congress to issue the guarantee;

(v) Obligations in which the principal and interest are fully secured, insured, or covered by a commitment or agreement to purchase the obligation by:

(a) The United States Government; or

(b) An agency or instrumentality created by an act of the United States Congress and authorized by the United States Congress to issue the commitment or agreement;

(vi) General obligations of the states of the United States and of the political subdivisions, municipalities, commonwealths, territories, or insular possessions of the states of the United States;

(vii) Obligations issued by the State Board of Education under authority of the Arkansas Constitution or applicable statutes;

(viii) Warrants of a political subdivision or municipality of the State of Arkansas having maturities not exceeding one (1) year;

(ix) Prerefunded municipal bonds, if the principal and interest of the municipal bonds are fully secured by the principal and interest of a direct obligation of the United States Government;

(x) The sale of federal funds with a maturity of not more than one (1) business day;

(xi) Demand, savings, or time deposits or accounts of a depository institution chartered by the United States, a state of the United States, or the District of Columbia if funds invested in the demand, savings, or time deposits or accounts are fully insured by a federal deposit insurance agency;

(xii) Repurchase agreements that are fully collateralized by securities stated in subdivisions (b)(1)(B)(ii)-(v) of this section if the repurchase agreement provides for taking delivery of the collateral directly or through an authorized custodian;

(xiii) A securities or other interest in an open-end type investment company or investment trust registered under the Investment Company Act of 1940 and that is defined as a "money market fund" under 17 C.F.R. § 270.2a-7 if:

(a) The portfolio of the investment company or investment trust is limited principally to United States Government obligations and to repurchase agreements fully collateralized by United States Government obligations; and

(b) The investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian; or

(xiv) As approved by the guidelines established by the State Treasury investment policy approved by the State Board of Finance, a corporate obligation with an investment grade rating of at least BBB, A2, P2, or an equivalent rating as indicated by at least two (2) nationally recognized statistical rating organizations.

(2)(A)(i) Moneys required for a purchase under subdivision (b)(1) of this section shall be withdrawn from the Cash Account and paid to the seller of the securities.

(ii) The cost of the securities shall be debited to the Securities Account.

(B) The proceeds of the sale or redemption of securities withdrawn from the Securities Account shall be debited in the Cash Account in the State Treasury.

(C)(i) For all purchases, sales, and redemptions of securities under this subsection, discounts and premiums shall be credited or charged, as appropriate, to the Securities Reserve Fund.

(ii) Discounts and premiums that are increments and all interest received on securities held in the Securities Account shall be classified as trust fund income and credited to the Securities Reserve Fund by the Treasurer of State.

(3)(A) All purchases and sales of securities by the Treasurer of State shall be made through securities brokers:

(i) Specifically approved by the State Board of Finance; or

(ii) Meeting criteria established by the State Board of Finance.

(B) All purchases and sales of securities by the Treasurer of State shall be made using a competitive procedure that:

(i) Is approved by the State Board of Finance; and

(ii) Has the goals of:

(a) Obtaining the optimal price and value for the securities; and

(b) Not showing preference toward any securities broker.

(C)(i) However, the State Board of Finance may subscribe for obligations offered by the United States Department of the Treasury.

(ii) An obligation offered by the United States Department of the Treasury held in the State Treasury may be exchanged for another obligation offered by the United States Department of the Treasury if an exchange privilege has been extended by the United States Department of the Treasury.

(4) [Repealed.]

(5)(A) All or any part of the bonds of local industrial development corporations, authorized and issued under the Arkansas Industrial Development Act, § 15-4-101 et seq., and all or any part of the bonds of municipalities and counties, authorized and issued under the Municipalities and Counties Industrial Development Revenue Bond Law, § 14-164-201 et seq., at any time held in the Securities Account in the State Treasury, may be sold at public sale or at private sale as the State Board of Finance shall determine.

(B) However, in a private sale, the sales price of the bonds or obligations shall not be less than the amount paid for the bonds or obligations.

(6) The State Board of Finance shall provide ministerial authority to the Treasurer of State to take whatever action becomes necessary in regard to securities held in the Securities Account to provide the requisite amount of cash necessary in demand deposit accounts to carry out the business of the state or to correct any miscalculations that have arisen.

(7)(A) A purchase, exchange, or receipt of an obligation by the State Treasury shall not cancel the obligation purchased, exchanged, or received.

(B) The obligation shall be held in trust for the use and benefit of the state fund used to purchase the obligation, subject only to the right of the State Board of Finance to sell or exchange the obligation if the best interest of the state is served.

(8)(A) The State Board of Finance shall meet at fiscal quarters to evaluate, discuss, and review the advice of the Chief Fiscal Officer of the State under § 19-3-512 and authorize the deposit and investment of State Treasury funds to be made during the period before the next meeting of the State Board of Finance.

(B) The deposit and investment of funds and the purchase and sale of permissible securities may be made at any time it is advantageous to the State Treasury by the Treasurer of State under the guidelines in the State Treasury investment policy established by the State Board of Finance.

(9)(A) In order to increase investment income with minimal risk, the Treasurer of State may loan securities held in the Securities Account if, at the time the loan is executed, at least one hundred two percent (102%) of the full market value of the security loaned is collateralized by cash or securities guaranteed by the United States Government or an agency of the United States Government.

(B) At all times during the term of the loan, the collateral shall equal or exceed one hundred percent (100%) of the full market value of all securities on loan.

(C) For purposes of this subdivision (b)(9), the full market value of the collateral shall be determined on a daily basis.

(c)(1) The State Board of Finance may invest federal funds, as described in § 19-7-101 et seq., the same as state funds that are authorized by subsection (b) of this section.

(2) The proceeds of investing federal funds shall be used for the same purpose authorized for other moneys accruing to the benefit of the Securities Reserve Fund under § 19-3-521.

(d)(1) The State Board of Finance may invest funds deposited into the State Treasury by state agencies, boards, and commissions that were previously held as cash funds in a bank depository or investment depository to enhance investment opportunities and earnings.

(2) The State Board of Finance may invest interest-bearing funds the same as state funds under subsection (b) of this section.

(3) The interest earned on investments under this subsection shall be credited under subdivision (d)(4) of this section to the interest-bearing fund.

(4) The State Board of Finance shall establish the method of computing the participants' rate of return and earning to determine the distribution to each participant.

(5) On the second business day that the State Treasury is open after the twenty-fifth day of the month, the Treasurer of State shall transfer

to the participants of the fund interest earned on all State Treasury funds invested as authorized under this section during the preceding month less the proportionate share of any assessments for the expenses of administration.

History. Acts 1997, No. 847, § 1; 2001, No. 1453, § 25; 2005, No. 873, § 1; 2009, No. 251, § 6; 2013, No. 1088, § 2; 2017, No. 426, §§ 7-9; 2017, No. 555, §§ 2, 3; 2019, No. 882, §§ 1, 2.

Amendments. The 2017 amendment by No. 426 deleted (b)(1)(B)(xiv)(b); repealed (b)(4); and deleted “and all or any part of the obligations of development finance corporations authorized and issued under the Arkansas Development Finance Corporation Act, § 15-4-901 et seq.” preceding “at any time” in (b)(5)(A).

The 2017 amendment by No. 555 substituted “securities stated in subdivisions (b)(1)(B)(ii)-(v) of this section” for “direct

obligations of the United States Government or the general obligations of a state or political subdivision of a state of the United States” in (b)(1)(B)(xii); added (d)(4); redesignated former (d)(4) as (d)(5); and rewrote (d)(5).

The 2019 amendment substituted “rating of at least BBB, A2, P2, or an equivalent rating” for “rating of BBB or higher” in (b)(1)(B)(xiv); substituted “through securities brokers” for “upon receipt of not less than three (3) quotation bids from securities brokers” in the introductory language of (b)(3)(A); inserted (b)(3)(B); and redesignated former (b)(3)(B) as (b)(3)(C).

19-3-521. Securities Reserve Fund.

(a)(1) In addition to the purposes for which the Securities Reserve Fund may be used under this subchapter, the Securities Reserve Fund shall be used to absorb any losses in:

(A) Securities held in the Securities Account in the State Treasury; and

(B) The Treasurer of State’s account in bank depositories.

(2)(A) The balance in the Securities Reserve Fund shall always be available to absorb the losses stated in subdivision (a)(1) of this section.

(B) However, moneys in the Securities Reserve Fund in excess of one hundred thousand dollars (\$100,000) shall be available at all times to the Chief Fiscal Officer of the State as authorized by § 19-5-905, there to be used as provided by law.

(b)(1) If a loss is sustained in relation to securities held at any time in the Securities Account or in the Treasurer of State’s account in any bank depository and the credit balance in the Securities Reserve Fund is insufficient to absorb the loss, the Chief Fiscal Officer of the State shall transfer moneys from the Budget Stabilization Trust Fund to the Securities Reserve Fund of an amount that, when added to the credit balance in the Securities Reserve Fund, equals the amount of the loss.

(2) It is the intent of the General Assembly that a loss shall not be sustained by an account used to make an investment or deposit.

(c)(1) On a quarterly basis, interest earned on federal funds received under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. § 6701 et seq., shall be transferred at the direction of the Chief Fiscal Officer of the State from the Securities Reserve Fund to the federal funds established for the purpose of holding these moneys in trust.

(2) Interest to be transferred shall be a pro rata share of total earned interest based on the proportion of the balances of the total federal funds established for the purpose of holding the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. § 6701 et seq., moneys in trust to the balances of all investments of the State Treasury.

History. Acts 1997, No. 847, § 1; 2009, No. 251, §§ 7, 8; 2013, No. 1088, § 2; 2016 (3rd Ex. Sess.), No. 1, § 4; 2017, No. 555, § 4.

Amendments. The 2017 amendment deleted “average daily” preceding “balances” twice in (c)(2).

19-3-523. Purchase of bonds by Treasurer of State.

(a) The Treasurer of State may purchase bonds from the State of Israel that are guaranteed and backed by the full faith and credit of the government of Israel as the sovereign debt of the State of Israel.

(b) The moneys that the Treasurer of State may use in the purchase of any bonds from the State of Israel shall be those funds available for investment under this subchapter.

History. Acts 2017, No. 644, § 2.

SUBCHAPTER 6 — STATE TREASURY MONEY MANAGEMENT TRUST

SECTION.

19-3-602. Purpose.

19-3-603. Authorized deposits.

19-3-604. Fund provisions.

SECTION.

19-3-605. Prudent investor rule.

19-3-606. Loan of securities.

Effective Dates. Acts 2017, No. 296, § 4: Feb. 28, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that that this act amends the investment authority of the Treasurer of State and the ability of other participants to invest in the State Treasury Money Management Trust; that this act affects the ability of the Treasurer of State to invest state funds and take immediate advantage of investment opportunities to benefit the state and public entities of the state; and that this act is immediately necessary to allow for implementation of the new investment authority provisions to take full advantage of investment opportunities to benefit the State of Arkansas. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither

approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto”.

Acts 2019, No. 325, § 4: Mar. 6, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that under the current provisions of the Unclaimed Property Act, § 18-28-201 et seq., the Auditor of State may not deposit unclaimed property funds with the State Treasurer for investment purposes; and that the unclaimed property funds are currently held in the Unclaimed Property Proceeds Trust Fund accruing minute interest; that the authority to invest funds in the State Treasury Money Management Trust will generate a greater financial return to be used for the benefit of the state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the

preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto”.

19-3-602. Purpose.

The purpose of this subchapter is to create the State Treasury Money Management Trust administered by the Treasurer of State for the deposit of moneys in order to permit the joint investment of participants’ money so as to enhance investment opportunities and earnings.

History. Acts 1997, No. 1179, § 2; 2017, No. 296, § 1. for “Money Trust Management Fund” and deleted “not currently needed” following “deposit of moneys”.

Amendments. The 2017 amendment substituted “Money Management Trust”

19-3-603. Authorized deposits.

An entity listed below may deposit money to the State Treasury Money Management Trust for the purpose of investment:

- (1) State agency’s cash funds as defined in § 19-4-801;
- (2) Local governments:
 - (A) Any city, county, school district, or community college district of this state; and
 - (B) Any department, instrumentality, or agency of these entities;
- (3) The Treasurer of State may invest in the State Treasury Money Management Trust to the extent State Treasury funds are not being utilized for certificates of deposit under the State Treasury Certificate of Deposit Investment Program or for trust certificates of deposit pursuant to the State Treasury Management Law, § 19-3-501 et seq.; and
- (4) The Auditor of State may invest funds subject to the unclaimed property provisions of the Unclaimed Property Act, § 18-28-201 et seq., in the State Treasury Money Management Trust.

History. Acts 1997, No. 1179, § 4; 2017, No. 296, § 1; 2019, No. 325, § 3. “Money Trust Management Fund” in the introductory language and in (3).

Amendments. The 2017 amendment rewrote the section heading; and substituted “Money Management Trust” for The 2019 amendment made a stylistic change in the introductory language and added (4).

19-3-604. Fund provisions.

- (a) The investment policy and all other policies, documents, rules, and procedures established or approved by the State Board of Finance under § 19-3-701 et seq. apply to the administration of this subchapter by the Treasurer of State.
- (b) The Treasurer of State may invest or deposit funds in the State Treasury Money Management Trust as authorized in § 19-3-518.

(c)(1) Moneys deposited into the State Treasury Money Management Trust by participants other than the State Treasury are not and shall not become part of State Treasury funds.

(2) The State Treasury Money Management Trust shall operate as a segregated account for custodial, depository, and accounting purposes.

(3)(A) A participant may deposit at will into and, up to the balance of the participant's account, obtain moneys upon demand from the State Treasury Money Management Trust.

(B) A demand for funds by a participant under this subdivision

(c)(3) shall be made by notice as prescribed by the board.

(d) Each participant who elects to deposit money into the State Treasury Money Management Trust shall provide the account information required by the board, including without limitation the identity of any person authorized to conduct transactions on behalf of the participant.

(e) Any loss of principal or interest realized as the result of a participant's demand for withdrawal of funds shall be incurred by the participant requesting the withdrawal and deducted on the day the withdrawal is made.

(f)(1) The Treasurer of State may:

(A) Assess reasonable charges against the account of a participant in the State Treasury Money Management Trust for reimbursement of administration and operational expenses; and

(B) Charge a reasonable fee for managing the State Treasury Money Management Trust.

(2) The board shall set any charge or fee imposed under this subsection.

(3) Charges and fees received under this subsection shall be deposited into the State Treasury in a fund for the benefit of the Treasurer of State.

(g) All interest and earnings received on the money of the State Treasury Money Management Trust shall be credited to the State Treasury Money Management Trust for distribution to the participants of the State Treasury Money Management Trust after any charges or fees due under subsection (f) of this section are deducted.

(h) After deducting any charges or fees due under subsection (f) of this section, on the second business day that the State Treasury is open after the twenty-fifth day of the month, the Treasurer of State shall distribute the monthly earnings of the State Treasury Money Management Trust during the preceding month.

(i) The board shall establish the method of computing a participant's rate of return, earnings, charges, fees, and expenses to determine the distribution for each participant.

(j) The monthly sum of a participant's daily earnings, after deducting administrative charges and fees under subsection (f) of this section, shall be credited to the participant's account and reinvested, unless otherwise instructed by the participant, on the distribution date stated in subsection (h) of this section.

History. Acts 1997, No. 1179, § 5; 2013, No. 1088, § 3; 2017, No. 296, § 1. **Amendments.** The 2017 amendment rewrote the section.

19-3-605. Prudent investor rule.

The Treasurer of State shall apply the prudent investor rule while serving in a fiduciary capacity for State Treasury Money Management Trust participants. The prudent investor rule means that in making investments, the fiduciaries shall exercise the judgment and care under the prevailing circumstances that an institutional investor of ordinary prudence, discretion, and intelligence exercises in the management of large investments entrusted to it, not for speculation but for investment, considering the permanent disposition of funds, and the probable safety of capital as well as probable income.

History. Acts 1997, No. 1179, § 6; 2017, No. 296, § 1. substituted “Money Management Trust” for “Money Trust Management Fund”.

Amendments. The 2017 amendment

19-3-606. Loan of securities.

(a) In order to increase investment income with minimal risk, the Treasurer of State may loan securities held under this subchapter, but only if at the time the loan is executed at least one hundred two percent (102%) of the full market value of the security loaned is collateralized by cash or securities guaranteed by the United States Government or an agency of the United States Government.

(b) At all times during the term of the loan, the collateral shall be equal to not less than ninety-eight percent (98%) of the full market value calculated on the total value of all securities on loan.

(c) For purposes of this section, the value of the collateral shall be determined on a daily basis.

History. Acts 1997, No. 1179, § 7; 2017, No. 296, § 1; 2019, No. 388, § 1.

Amendments. The 2017 amendment substituted “under this section” for “by the State Treasury Money Trust Management Fund” in (a).

The 2019 amendment, in (a), substituted “subchapter” for “section”, and “of the United States Government” for “thereof”.

SUBCHAPTER 7 — STATE BOARD OF FINANCE

SECTION.

19-3-701. State Board of Finance — Creation — Members.

SECTION.

19-3-704. Powers and duties.

Effective Dates. Acts 2017, No. 296, § 4: Feb. 28, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that that this act amends the invest-

ment authority of the Treasurer of State and the ability of other participants to invest in the State Treasury Money Management Trust; that this act affects the ability of the Treasurer of State to invest

state funds and take immediate advantage of investment opportunities to benefit the state and public entities of the state; and that this act is immediately necessary to allow for implementation of the new investment authority provisions to take full advantage of investment opportunities to benefit the State of Arkansas. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is

found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-3-701. State Board of Finance — Creation — Members.

- (a) The State Board of Finance is created.
- (b) The board shall be composed of the following members:
 - (1) The Governor;
 - (2) The Treasurer of State;
 - (3) The Auditor of State;
 - (4) The Bank Commissioner;
 - (5) The Secretary of the Department of Finance and Administration;
 - (6) The Securities Commissioner;
 - (7) One (1) person with knowledge and experience in commercial banking;
 - (8) One (1) person who:
 - (A) Holds or has held a Series 7 licensure as a general securities representative; and
 - (B) Has at least five (5) years of experience as a general securities representative;
 - (9) One (1) certified public accountant who:
 - (A) Is licensed in Arkansas; and
 - (B) Has at least five (5) years of experience as a certified public accountant; and
 - (10) One (1) member of the general public.
- (c) A board member listed in subdivisions (b)(7)-(10) of this section:
 - (1) Shall serve a four-year term and may be reappointed, except that the board member shall serve an initial term of either one (1) year, two (2) years, three (3) years, or four (4) years as determined by lot in order to establish staggered terms in which the term of one (1) of the four (4) board members expires each year;

(2) Shall be paid a stipend of one hundred dollars (\$100) from funds appropriated to the Treasurer of State for participation in each board meeting;

(3) Shall not have a direct financial interest in a transaction between an investment depository or bank depository and the:

(A) Board; or

(B) Treasurer of State;

(4) Shall not be related within the second degree of consanguinity or affinity to a constitutional officer or a member of the General Assembly;

(5) Shall abstain from voting on an issue that affects the board member or the procedures, profits, or funding of a business or organization of which the board member is a member; and

(6) May be removed for cause by a majority vote of the board.

(d)(1) A member listed in subdivisions (b)(7) and (8) of this section shall be appointed and may be reappointed by the President Pro Tempore of the Senate.

(2) A member listed in subdivisions (b)(9) and (10) of this section shall be appointed and may be reappointed by the Speaker of the House of Representatives.

(e) The Governor shall be Chair of the State Board of Finance, and the Treasurer of State shall be the secretary, executive officer, and disbursing agent of the board.

History. Acts 2013, No. 1088, § 1; 2019, No. 910, § 3447.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in (b)(5).

19-3-704. Powers and duties.

(a) In addition to any other function, power, or duty imposed by law, the State Board of Finance shall establish, maintain, and enforce all policies and procedures concerning the management and investment of funds in the State Treasury and the State Treasury Money Management Trust, including without limitation:

(1) Record keeping and reporting requirements that reflect:

(A) Daily, monthly, and year-to-date balances of all funds, accounts, and groups of accounts within the State Treasury; and

(B) The performance of all deposits and investments compared to the target rate of return established by the board;

(2) A collateralization policy;

(3) Eligibility requirements for a bank depository, an investment depository, a securities broker, and, before accepting an application to hire an investment consultant under subsection (c) of this section, an investment consultant;

(4) An investment policy;

(5) Liquidity requirements for the State Treasury; and

(6) Qualifications, ethical standards, a conflict of interest policy, and criminal background check requirements that are no less stringent than the requirements of § 19-3-705 for all employees of the board or

Treasurer of State who handle State Treasury funds or participate in decisions concerning the deposit or investment of State Treasury funds.

(b)(1) The board shall select the chief compliance officer within the Treasurer of State's office based upon nominations received from the Treasurer of State.

(2) The chief compliance officer shall:

(A) Be employed by the board;

(B) Work with and at the direction of the Treasurer of State consistent with the policies and directives of the board; and

(C) Serve at the pleasure of the board.

(c) The board may hire an investment consultant to examine the investment policies and investment practices for the State Treasury and make recommendations to the board, including without limitation recommendations concerning:

(1) An appropriate range for asset allocation;

(2) A target rate of return;

(3) The propriety of using money managers and, if desired, recommendations concerning money managers; and

(4) Adjustments to improve investment policies, investment allocations, or investment returns.

(d) The positions listed in subsections (b) and (c) of this section shall be funded by the appropriation for the Treasurer of State.

(e) The board may make, amend, adopt, and enforce rules and policies to regulate board procedure and execute board functions.

History. Acts 2013, No. 1088, § 1; 2017, No. 296, § 2; 2019, No. 882, § 3.

Amendments. The 2017 amendment substituted "Money Management Trust" for "Money Trust Management Fund" in the introductory language of (a).

The 2019 amendment substituted "compliance" for "investment" in (b)(1) and the introductory language of (b)(2).

CHAPTER 4

STATE ACCOUNTING AND BUDGETARY PROCEDURES

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. DUTIES AND RESPONSIBILITIES GENERALLY.
3. CHIEF FISCAL OFFICER OF THE STATE.
5. FINANCIAL MANAGEMENT SYSTEM.
6. ANNUAL OPERATIONS PLANS OF STATE AGENCIES.
7. EXPENDITURES GENERALLY.
8. EXPENDITURE OF CASH FUNDS.
9. TRAVEL RULES.
10. OIL COMPANY CREDIT CARDS.
11. APPROVAL OF EXPENDITURES.
12. DISBURSEMENT OF PUBLIC FUNDS.
13. MONITORING FOR DEFICIT SPENDING.
14. CONSTRUCTION OF BUILDINGS AND FACILITIES.
15. PROPERTY AND EQUIPMENT INVENTORY.
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18. REIMBURSEMENTS, COLLECTIONS, AND REFUNDS.

SUBCHAPTER.

19. FEDERAL GRANTS AND AIDS.

22. REVIEW OF DISCRETIONARY GRANTS.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

19-4-102. Purpose.

19-4-104. Rules.

19-4-105. Continuing studies and investigations — Duties of Secretary of the Department of

Inspector General and Internal Audit Section — Exemption of internal audit documentation from Freedom of Information Act of 1967.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

19-4-102. Purpose.

(a) GENERAL POLICY.

(1) It is the policy of the State of Arkansas to:

(A) Maintain on a sound financial basis the state and all of its agencies, boards, commissions, departments, and institutions, all referred to in this chapter as "agencies" unless otherwise necessary;

(B) Provide adequate accounting for all fiscal transactions; and

(C) Provide for uniformity in budget preparation, presentation, and execution.

(2) For these purposes, the general provisions of this chapter are intended to:

(A) Establish uniformity in operating and capital budget preparation, presentation, and execution by establishing certain duties, responsibilities, and functions of the executive and legislative branches of the state government;

(B) Prohibit deficit spending by establishing standards for the execution of budgets approved by the General Assembly;

(C) Provide methods of internal accounting control by establishing and supervising the accounting systems of state agencies;

(D) Establish an adequate classification and coding system for all revenue receipts and disbursements;

(E) Establish methods of voucher examination and approval for expenditures of funds deposited into the State Treasury and, if necessary, other depositories;

(F) Establish uniform procedures for the preparation of disbursing documents;

(G) Establish procedures for forecasting economic conditions, establish an adequate technique of revenue estimating, and provide for tax research and a method for standardization of statistics;

(H) Develop methods for improvement and economy in organization and administration of agencies;

(I) Authorize the promulgation of reasonable rules not inconsistent with applicable laws to achieve the purposes and intent of this chapter; and

(J) Further define the powers and duties of the Secretary of the Department of Finance and Administration, sometimes referred to as the “Chief Fiscal Officer of the State”, the Auditor of State, and the Treasurer of State in connection with general accounting, budgetary, and fiscal procedures.

(b) **COMPREHENSIVE BUDGETING AND FINANCIAL MANAGEMENT SYSTEM.** It is also the purpose of this chapter to establish a comprehensive system of state budgeting and financial management which will further the capacity of the General Assembly to plan and finance the services which it determines the state should provide for its citizens and which will further the capacity of the Governor to make budgetary recommendations to the General Assembly and to execute the laws of this state. The system shall include procedures for:

(1) The orderly establishment, continuing review, and periodic revision of programs, financial goals, and policies of the state;

(2) The development, coordination, and review of long-range programs and their financing that will implement goals and policies authorized by the General Assembly and the Governor;

(3) The preparation, analysis, presentation, enactment, and execution of budgets that authorize specific programs, policies, and goals and that focus attention on state services and their costs;

(4) The evaluation of alternatives to existing programs, policies, and goals that would provide more economic, efficient, or effective state services; and

(5) An evaluation and reporting system which will provide measurements of the effectiveness of program performance.

History. Acts 1973, No. 876, § 2; A.S.A. 1947, § 13-328; Acts 2019, No. 315, § 1706; 2019, No. 910, § 3448.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (a)(2)(I).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a)(2)(J).

19-4-104. Rules.

The Chief Fiscal Officer of the State is empowered to make, amend, and enforce such reasonable rules, not inconsistent with law, as he or she shall deem necessary and proper to effectively carry out the provisions of this chapter and the public policy as set forth in § 19-4-102. Rules promulgated shall be published in an administrative procedures manual and distributed to the various state agencies.

History. Acts 1973, No. 876, § 28; deleted “and regulations” following A.S.A. 1947, § 13-354; Acts 2019, No. 315, “Rules” in the section heading; and § 1707. deleted “and regulations” following “rules”

Amendments. The 2019 amendment twice.

19-4-105. Continuing studies and investigations — Duties of Secretary of the Department of Inspector General and Internal Audit Section — Exemption of internal audit documentation from Freedom of Information Act of 1967.

(a) The Secretary of the Department of Inspector General is directed to make continuing studies and investigations of the operation of state agencies and to make recommendations to the General Assembly, the Legislative Council, and the Governor about improvements which should be made in order to:

(1) Safeguard against excessive expenditures of appropriations and funds;

(2) Promote economy, efficiency, and control in the operation of state agencies; and

(3) Accomplish the purposes of this chapter as intended by the General Assembly.

(b) The Internal Audit Section created under the Department of Finance and Administration by Governor’s Executive Order 99-08 and transferred to the Department of Inspector General by a cabinet-level department transfer under § 25-43-1002 shall conduct its audits using the suggested standards for the professional practice of internal auditing as adopted by the Institute of Internal Auditors.

(c) The Internal Audit Section shall:

(1) Review the financial and operating controls and the transactions of state agencies to determine the level of conformity with established laws, standards, rules, and procedures;

(2) Review the various functions within an enterprise to appraise the efficiency and economy of operations and the effectiveness with which those functions achieve the stated objectives, including without limitation a review of established internal control activities;

(3) Investigate reported occurrences of fraud, embezzlement, theft, waste, abuse, or mismanagement of state resources;

(4) Recommend controls to prevent occurrences of fraud, embezzlement, theft, waste, abuse, or mismanagement of state resources;

(5) Assist state agencies to resolve areas of concern;

(6) Assist state agencies in establishing appropriate internal controls that will prevent errors or irregularities;

(7) Provide objective analysis, appraisals, and recommendations concerning the activities it reviews; and

(8) Perform other functions as directed by the Governor or the secretary.

(d) After an audit is completed, the Internal Audit Section shall file a written final report concerning the actions and determinations made under this section with:

(1) The secretary;

(2) The Governor;

(3) The State Board of Finance; and

(4) Arkansas Legislative Audit.

(e) Employees of the Internal Audit Section shall:

(1) Be employed by the secretary as employees of the Department of Inspector General; and

(2) Serve at the pleasure of the secretary.

(f)(1) All internal audit documentation, including notes, memoranda, preliminary drafts of audit reports, and other data gathered in the preparation of internal audit reports by the Internal Audit Section, are privileged and confidential and are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq., except as provided in subdivision (f)(2) of this section.

(2)(A) The exemption shall not apply to completed internal audits of the Internal Audit Section after a final report of the internal audit has been presented to:

(i) The secretary;

(ii) The Governor or the Governor's designee;

(iii) The board; or

(iv) Arkansas Legislative Audit.

(B) The final report and copies of any supporting documentation shall then be open to public inspection and copying, except for documents that are exempt from disclosure under other law.

(g)(1) The Internal Audit Section shall conduct an annual project review and efficiency study of the Arkansas Department of Transportation to include without limitation a review of the processes, procedures, procurement processes, projects, appeals procedures and expenditures.

(2) The results of a study under this section shall be reported to the Legislative Council no later than October 1 of each year, with the first report to be submitted by October 1, 2021.

History. Acts 1973, No. 876, § 2; A.S.A. 1947, § 13-328; Acts 2001, No. 1083, § 1; 2015, No. 1283, § 1; 2019, No. 298, § 2; 2019, No. 315, § 1708; 2019, No. 910, § 5259.

A.C.R.C. Notes. Acts 2019, No. 298, § 1, provided: "Arkansas Department of

Transportation — Legislative Council study.

"(a)(1) The Legislative Council or the Executive Subcommittee of the Legislative Council shall hire one (1) or more consultants to assist it in conducting a study of the processes and functioning of

the Arkansas Department of Transportation, including without limitation the department's processes, procedures, procurement procedures, projects, expenditures, and appeals processes.

"(2) The purpose of the study is to examine and identify areas of potential improvement within the overall functioning of the department and to recommend legislation to the General Assembly for consideration in order to:

"(A) Maximize the department's use of taxpayer dollars;

"(B) Improve the efficiency and overall functioning of the department; and

"(C) Ensure responsiveness of the department to the needs of the State of Arkansas and its citizens with regard to improvement of the state highways and roads.

"(3) In order to achieve the purposes of the study as set forth in subdivision (a)(2) of this section, the Legislative Council shall:

"(A) Compare the procurement processes of the department with the requirements of the Arkansas Procurement Law, § 19-11-201, et seq.;

"(B) Study and consider the best practices for functioning of state highway departments through consideration of practices in surrounding or comparable states;

"(C) Audit the expenditures and procurement processes of the department in order to find ways to improve or create efficiencies in those areas; and

"(D) Consider and adopt recommended legislation based on the results of the

study by the Legislative Council and its consultant.

"(4) The Director of State Highways and Transportation shall fully cooperate in the conduct of the study by providing:

"(A) Access to the Legislative Council, a consultant of the Legislative Council, and the Bureau of Legislative Research to any requested documents and records for purposes of the study; and

"(B) Timely responses to requests of the Legislative Council, a consultant of the Legislative Council, and the Bureau of Legislative Research.

"(b) On or before December 1, 2020, the Legislative Council shall file with the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives a final report of its activities, findings, and recommendations, including recommended legislation related to the study".

Amendments. The 2019 amendment by No. 298 added (g).

The 2019 amendment by No. 315 substituted "rules" for "regulations" in (c)(1).

The 2019 amendment by No. 910 substituted "Secretary of the Department of Inspector General" for "Chief Fiscal Officer of the State" in the section heading, the introductory language of (a), in (d)(1), and (f)(2)(A)(i); deleted former (a)(3), and redesignated former (a)(4) as (a)(3); inserted "and transferred to the Department of Inspector General by a cabinet-level department transfer under § 25-43-1002" in (b); rewrote (c)(8); deleted (d)(5); rewrote (e); deleted (f)(2)(A)(v); and made stylistic changes.

SUBCHAPTER 2 — DUTIES AND RESPONSIBILITIES GENERALLY

SECTION.

19-4-201. Authority of Governor.

19-4-201. Authority of Governor.

(a) The Governor shall direct the execution of the state budget as approved by the General Assembly. The Governor or Governor-elect shall:

(1) Review the budget requests and estimates of resources;

(2) Evaluate long-range programs and consider possible alternatives to existing state agency programs, policies, and goals; and

(3) Formulate and recommend for consideration by the Legislative Council and the General Assembly a proposed comprehensive state

budget of programs and proposed financing which shall include all estimated receipts and expenditures of the state government.

(b)(1) Proposed expenditures shall not exceed estimated available resources. Should the Governor or Governor-elect propose increased taxes in order to finance all proposed programs, two (2) sets of budgets must be submitted to the Legislative Council and the General Assembly, one (1) set based on the resources available from the then-existing tax laws and another showing the additional expenditures proposed to be financed from recommended tax increases.

(2)(A) Budget requests for administration and operation of the legislative branch, the judicial branch, the elective constitutional offices, the Arkansas Department of Transportation, the Office of the Arkansas Lottery, and the Arkansas State Game and Fish Commission shall be submitted directly to the Legislative Council without any recommendation by the Governor.

(B) Each budget request submitted under subdivision (b)(2)(A) of this section shall:

(i) Include all of the information required for other public entities under this chapter;

(ii) Be in substantially the same format as budget requests for other public entities under this chapter; and

(iii) Include a detailed listing of any unappropriated funds, including without limitation the sources of the funds, the fund balances, and the expenditures of the funds for the previous fiscal year.

(c) In order to carry out the provisions of this section, the Governor or Governor-elect shall:

(1) Have the power, and it shall be his or her duty, to provide for hearings, if required, with the administrative head or any other persons having knowledge thereof, of any agency submitting a budget request in order for him or her to make his or her determinations and recommendations; and

(2) Appear or appoint a designated representative to appear before the General Assembly or any committees or interim committees thereof to present his or her recommendations for the forthcoming budgetary period.

History. Acts 1973, No. 876, § 3; A.S.A. 1947, § 13-329; Acts 2009, No. 605, § 14; 2009, No. 606, § 14; 2015, No. 218, § 13; 2017, No. 707, § 41; 2019, No. 678, § 3.

A.C.R.C. Notes. Acts 2019, No. 678, § 1, provided: "Title. This act shall be known and may be cited as the 'Government Financial Disclosure and Accountability Act of 2019'".

Acts 2019, No. 678, § 2, provided: "Legislative intent.

"(a) It is the intent of the General Assembly:

"(1) To provide for additional transparency in the budgeting and expenditure

procedures used by constitutional officers and agencies;

"(2) To require additional financial disclosures to better enable the General Assembly to responsibly appropriate state funds;

"(3) To ensure that the state and the public have the necessary information to determine whether state funds are being used in an appropriate and fiscally responsible manner;

"(4) That, to the extent this act conflicts with any provision of the Arkansas Constitution, the Arkansas Constitution applies; and

“(5) To require that cash funds have an appropriation authorized by the General Assembly and that budget requests submitted during budget hearings include the information necessary for the General Assembly to make informed appropriation decisions.

“(b) It is not the intent of the General Assembly to:

“(1) Make the constitutional officers and agencies state agencies for purposes of state accounting and budgetary procedures;

“(2) Require the constitutional officers and agencies to submit annual operations plans that are the same as the annual

operations plans required for state agencies;

“(3) Apply the procurement laws in Arkansas Code, Title 19, Chapter 11, to the constitutional officers and agencies to the extent that the procurement laws do not already apply; or

“(4) Require legislative approval of any expenditure of an office or agency if such approval would conflict with the Arkansas Constitution”.

Amendments. The 2017 amendment substituted “Department of Transportation” for “State Highway and Transportation Department” in (b)(2).

The 2019 amendment redesignated (b)(2) as (b)(2)(A) and added (b)(2)(B).

SUBCHAPTER 3 — CHIEF FISCAL OFFICER OF THE STATE

SECTION.

19-4-302. Budget information forms.

19-4-303. Budget estimates.

19-4-304. Regular and fiscal session preparations.

SECTION.

19-4-305. Preliminary budget report.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-4-302. Budget information forms.

To accomplish his or her duties and responsibilities, the Secretary of the Department of Finance and Administration, in cooperation with the Legislative Council, shall design budget information forms so that comparative data of the last fiscal year, the current fiscal year, and the next biennium are presented so that state agencies can best express budgetary and program information that will be most useful to the Governor or Governor-elect and the General Assembly in order to facilitate program formulation, execution, and accountability by:

(1) Focusing attention upon the general character and relative importance of the program to be accomplished or upon the service to be rendered and what the program or service will cost;

- (2) Employing functional classifications, where practical to do so, in order to present budgets by broad program categories;
- (3) Presenting budget requests by organizational units;
- (4) Grouping expenditures and budget estimates by major objects of expenditures;
- (5) Stating goals and objectives of agency programs;
- (6) Presenting proposed plans to implement the goals and objectives, including proposed modification of existing program services and establishment of new program services, and the estimated resources required to implement the goals and objectives;
- (7) Including a report of the receipts during the prior fiscal year, an estimate of the receipts during the current fiscal year, and an estimate for each year of the succeeding biennium;
- (8) Presenting requested legislation required to implement the proposed programs and financial plans; and
- (9) Supplying any other information necessary to carry out the purposes of this chapter.

History. Acts 1973, No. 876, § 6; A.S.A. 1947, § 13-332; Acts 2019, No. 910, § 3449.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language.

19-4-303. Budget estimates.

The Secretary of the Department of Finance and Administration, in cooperation with the Legislative Council, shall:

- (1) Prepare a budget calendar or time schedule so that the submission and presentation of budget estimates will be accomplished within the desired time limits; and
- (2) Prepare a budget instructional manual to establish uniformity for presentation of budget estimates by state agencies.

History. Acts 1973, No. 876, § 6; A.S.A. 1947, § 13-332; Acts 2019, No. 910, § 3450.

Amendments. The 2019 amendment substituted "Secretary of the Department

of Finance and Administration" for "Director of the Department of Finance and Administration" in the introductory language.

19-4-304. Regular and fiscal session preparations.

(a) Immediately after July 1 of each even-numbered calendar year, or earlier if determined necessary, the Secretary of the Department of Finance and Administration shall:

- (1) Issue budget information forms, budget estimating instructions, and a budget calendar which has been approved by the Legislative Council, plus a budget policy letter from the Governor containing some or all of the following:

- (A) Establishing maximum limitations on expenditures for the year in which estimates are being requested;

(B) Setting out the policies which will determine the Governor's priorities in the allocation of available resources;

(C) Outlining the effects of economic changes pertaining to price levels, population changes, and pending federal legislation; and

(D) Containing a review of current fiscal conditions and a prognosis of fiscal conditions for the future;

(2)(A) Visit and inspect the properties and facilities of any or all state agencies and request the administrative head or any employee of the agency to appear before him or her to explain any matters concerning the budgetary and program requirements of the agency.

(B) If any agency fails or refuses to furnish any information with respect to budget estimates or program formulation, as and when it shall be requested by the Chief Fiscal Officer of the State, then he or she shall have the authority to prepare and submit his or her own recommendations as to the budgetary or program requirements of the agency;

(3) Assist agencies in the preparation of their budget proposals. This assistance may include:

(A) Technical assistance;

(B) Organization of materials;

(C) Centrally collected accounting, budgeting, personnel, and purchasing information standards and guidelines;

(D) Population and other required data; and

(E) Any other assistance that will help the agencies produce the information necessary for efficient agency management and decision making by the General Assembly and the Governor or the Governor-elect;

(4) Analyze the budget estimates to evaluate and assess the priority and accuracy of agency requests in relation to policy and program objectives and the financial condition of the state and make recommendations for modifications and revision of the budget request if, in their opinion, the facts before them would justify such proposed revisions. The Chief Fiscal Officer of the State in making recommended changes shall not alter the original request unless requested to do so by the administrative head of the agency affected but shall report the original request, together with his or her own recommendations and the reasons therefor, to the Governor, so that all agency budget estimates may be made available to the Governor or Governor-elect, the Legislative Council, and the General Assembly for their consideration;

(5) Prepare an estimate of the general and special revenues for the next fiscal year, along with comparative data for the then-current fiscal year and past fiscal year; and

(6) Submit the budget studies, together with his or her recommendations, to the Legislative Council and to the Governor or Governor-elect for such further recommendations as the Governor or Governor-elect may care to make.

(b) The secretary shall submit the annual revenue forecast to the Legislative Council:

(1) By December 1 of the year preceding a fiscal session that is held in a year in which the preferential primary election will be held in May under § 7-7-203;

(2) By February 1 of a year preceding a fiscal session that is held in a year in which the preferential primary election is held in March under § 7-7-203; and

(3) No later than sixty (60) days before the start of a regular session.

History. Acts 1973, No. 876, § 6; A.S.A. 1947, § 13-332; Acts 2009, No. 962, § 38; 2015 (1st Ex. Sess.), No. 5, § 4; 2019, No. 545, § 9; 2019, No. 910, §§ 3451, 3452.

Amendments. The 2019 amendment by No. 545 added “that is held in a year in which the preferential primary election will be held in May under § 7-7-203” in (b)(1); added (b)(2); and redesignated former (b)(2) as (b)(3).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in the introductory language of (a); and substituted “secretary” for “director” in the introductory language of (b).

19-4-305. Preliminary budget report.

The Chief Fiscal Officer of the State shall prepare the described preliminary budget report so that it shall include the following:

(1) The budget requests as submitted by the legislative branch, the judicial branch, the elective constitutional officers, the Arkansas Department of Transportation, and the Arkansas State Game and Fish Commission;

(2) The budget requests of all other state agencies, as submitted by each agency, together with the Chief Fiscal Officer of the State’s analysis of the budget estimates and the executive recommendations;

(3) A recapitulation and summary of all budget information as required in this subchapter and the recommendations of the Chief Fiscal Officer of the State; and

(4) A detailed statement of the revenues and other sources of income of the state government for the past complete fiscal year, the estimated revenues of the state under existing laws, and the Governor’s proposals for revisions in any tax laws necessary to balance the budget.

History. Acts 1973, No. 876, § 6; A.S.A. 1947, § 13-332; Acts 2017, No. 707, § 42.

Amendments. The 2017 amendment

substituted “Department of Transportation” for “State Highway and Transportation Department” in (1).

SUBCHAPTER 5 — FINANCIAL MANAGEMENT SYSTEM

SECTION.

19-4-507. Fund accounting systems.

19-4-521. Personal services — Definition.

19-4-522. Maintenance and general operation.

SECTION.

19-4-524. Construction and permanent improvements.

Effective Dates. Acts 2017, No. 365, § 29: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the fiscal year for employees begins on July 1 of every year and that the implementation of the Uniform Classification and Compensation Act is necessary to ensure the continued services and operations of the state. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state

entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

19-4-507. Fund accounting systems.

Governmental accounting systems should be organized and operated on a fund basis. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations.

History. Acts 1973, No. 876, § 12; 1979, No. 833, § 3; A.S.A. 1947, § 13-338; Acts 2019, No. 315, § 1709.

Amendments. The 2019 amendment substituted "rules" for "regulations" in the second sentence.

19-4-521. Personal services — Definition.

The personal services classification shall be for regular full-time, part-time, and extra-help employees, employer matching costs, employer special or extra compensation, overtime earnings, and other employee benefits that are legally authorized:

(1) **REGULAR SALARIES.** This subclassification shall be applicable to all salaries and compensation, except as provided in this section, for state employees when the number of employees and maximum amounts of compensation are statutorily authorized as provided by Arkansas Constitution, Article 16, § 4, irrespective of the financial resources compensating such employees within this subclassification and when the method of salary disbursing of the institutions of higher education involves payment from state agency bank funds of the institution, subject to reimbursement to the institution for such amounts as are properly payable from funds in the State Treasury. However, the state's financial management system may include in the subclassification of regular salaries the following:

(A) **EXTRA SALARIES.** This description includes all special remuneration received by state employees in addition to regular salary that is authorized by law. Any state agency which receives an appropriation for extra salaries may pay eligible employees at the following rates:

(i) Physicians who are certified by the American specialty boards, at a rate of pay not to exceed four thousand five hundred dollars (\$4,500) per fiscal year;

(ii) Physicians who are eligible to be certified by the American specialty boards, at a rate of pay not to exceed two thousand five hundred dollars (\$2,500) per fiscal year; and

(iii) Physicians certified in child psychiatry or forensic psychiatry, an additional two thousand five hundred dollars (\$2,500) per fiscal year will be allowed with the total additional compensation not to exceed seven thousand dollars (\$7,000) per fiscal year;

(B) **SPECIAL COMPENSATION.** This description includes special remuneration when authorized by law for employee suggestion awards; and

(C) The payment of extra salaries and special compensation when authorized by law shall be considered to be in addition to the maximum amounts of compensation set by law for regular salaries;

(2) **EXTRA HELP.**

(A) This subclassification shall be used for payment of all salaries and compensation of part-time or temporary employees, as authorized by law, who are employed one thousand five hundred (1,500) hours per fiscal year or less.

(B) This subclassification may be used to pay part-time or temporary employees who are employed for more than one thousand five hundred (1,500) hours per fiscal year if specific authorization is provided by law and if such use is within standards established by the Secretary of the Department of Finance and Administration.

(C) In no case shall any extra-help funds be used for the purposes of paying additional compensation to a full-time state employee.

(D) "State employee" means any employee occupying a regular salaried position for a state agency, board, commission, department, or institution of higher education;

(3) **OVERTIME.** This subclassification is applicable for payment of services performed in excess of normal hours of work during a specific time when specifically authorized by law; and

(4) **PERSONAL SERVICES MATCHING.**

(A) This subclassification shall represent the state agency's proportion of the amounts necessary to contribute the state agency's share or to match the deductions from the salaries of state employees for:

(i) Social Security;

(ii) Retirement;

(iii) Group employee insurance programs;

(iv) Workers' compensation;

(v) Unemployment compensation contributions; and

(vi) A state contribution for state employee retirees who are eligible to participate in the health and life insurance programs offered by the state as defined by § 21-5-411 and as authorized by the Chief Fiscal Officer of the State.

(B) The Chief Fiscal Officer of the State may make appropriate reclassifications of the state agency's appropriation for maintenance and general operation to effect the payment of personal services matching as described in this section.

History. Acts 1973, No. 876, § 12; 1977, No. 813, § 1; 1979, No. 833, §§ 1, 2; 1981, No. 741, § 1; 1981, No. 924, § 1; 1983, No. 628, § 1; 1985, No. 365, §§ 2, 3, 12; A.S.A. 1947, § 13-338; Acts 1987, No. 646, § 1; 1999, No. 1280, § 11; 2001, No. 1453, § 10; 2005, No. 251, § 2; 2017, No. 365, § 2; 2019, No. 910, § 3453.

substituted "one thousand five hundred (1,500)" for "one thousand (1,000)" in (2)(A) and (2)(B).

The 2019 amendment substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (2)(B).

Amendments. The 2017 amendment

19-4-522. Maintenance and general operation.

(a) The maintenance and general operation classification shall cover items of expense necessary for the proper and efficient operation of the state agency, authority, board, commission, department, or institution of higher education, except as otherwise classified in this subchapter.

(b) It is recognized that in those instances where the maintenance and general operation line-item classification is not subclassified, the state agency is authorized to expend moneys for operations in compliance with the intent of this subchapter.

(c) In the event an appropriation for maintenance and general operation authorized for a state agency, board, department, or institution is restricted in its use by budget classification as set out in subsection (d) of this section, transfers between such classifications may be made subject to the procedures set out as follows:

(1) In the event the amount of any of the budget classifications of maintenance and general operation in an agency's appropriation act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he or she shall set out on the forms the particular classifications for which he or she is requesting an increase or decrease, the amounts thereof, and his or her reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassification unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Division of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the division than through the purchase of data processing equipment by that state agency;

(2) In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he or she deems necessary. If the requested transfer would, when added to other transfers previously approved during the fiscal year for the same classification with the same appropriation, result in a deviation of any kind in the affected classifications of less than five percent (5%) up to a maximum of two thousand five hundred dollars (\$2,500) from the classifications established by law, the Chief Fiscal Officer of the State shall approve the requested transfer if in his or her opinion it is in the best interest of the state. If the requested transfer would, when added to other transfers previously approved during the fiscal year for the same classification within the same appropriation, result in a deviation of five percent (5%) or more, or more than two thousand five hundred dollars (\$2,500), the Chief Fiscal Officer of the State shall submit the request, along with his or her recommendation, to the Legislative Council for its advice prior to approving the request; and

(3) In the event any state agency shall expend or obligate any approved budget in excess of the maximum classification, the Chief Fiscal Officer of the State shall study the reasons for such excess expenditures and shall take immediate steps to correct such excess spending as he or she deems necessary after notification of such actions has been sent to the Legislative Council.

(d) Maintenance and general operation may be further categorized into the following subclassifications and the expenses thereof to be used according to the subclassification:

(1) OPERATING EXPENSES. This subclassification shall entail the following, but not necessarily be limited thereto:

- (A) Postage, telephone, and telegraph;
- (B) Transportation of commodities or objects;
- (C) Printing;
- (D) State-owned motor vehicle expenses;
- (E) Advertising;
- (F) Minor and major repairs;
- (G) Maintenance contracts;
- (H) Utilities and fuel;

(I) Insurance premiums, surety and performance bonds, and association dues and memberships;

(J) Contractual services not otherwise classified;

(K) Consumable supplies, materials, and commodities;

(L) Books, publications, and newspapers;

(M) Court costs;

(N) Equipment not capitalized;

(O) Applicable petty cash reimbursements, laundry, and taxes;

(P) Travel, subsistence, meals, lodging, transportation of state employees or officials, and nonstate employees traveling on official business;

(Q)(i) Uniforms the agency requires its employees to wear as part of the job.

(ii) Clothing items purchased for its employees and not required to be worn during working hours, or which are purchased for the promotion of the agency, shall not be subclassified as an operating expense;

(R) Such other items of operating expense as shall be provided by the appropriation act or under reasonable rules and procedures issued by the Chief Fiscal Officer of the State; and

(S) Debt service on equipment or measures required by a guaranteed energy cost savings contract executed under the Guaranteed Energy Cost Savings Act, § 19-11-1201 et seq., or an energy efficiency project financed under the State Entity Energy Efficiency Project Bond Act, § 15-5-1801 et seq.;

(2) CONFERENCE AND TRAVEL EXPENSES. This subclassification shall include:

(A) The costs of an employee attending a conference, seminar, or training program; and

(B) The costs of a state agency-sponsored or hosted conference, seminar, or training program where the expenses are not otherwise classified according to this section;

(3) PROFESSIONAL FEES. This subclassification shall include the expenses for contractual agreements entered into by the state agency with an individual, partnership, corporation, or anyone other than a state employee to provide a particular document, report, speech, study, or commodity other than those contractual agreements that by their nature would be classified elsewhere in this subchapter;

(4) CAPITAL OUTLAY. This subclassification is to include the following expenses, but is not necessarily limited thereto by virtue of other classifications recognized by this subchapter:

(A) Purchase of land, buildings, equipment, furniture, and fixtures; and

(B) Contractual agreements, all of which are to be capitalized from the maintenance and general operation classification of appropriation; and

(5) DATA PROCESSING. This subclassification includes purchase of data processing services from the division, or others, and other expenses that are not necessarily classified elsewhere in this section by virtue of the appropriation based upon budgets presented for consideration.

(e) Notwithstanding this section or any other law to the contrary, state-supported colleges and universities may utilize maintenance and operation appropriations for the payment of moving expenses of employees, including new hires.

History. Acts 1973, No. 876, § 12; 1977, No. 813, § 1; 1979, No. 833, §§ 1, 2; 1981, No. 741, § 1; 1981, No. 924, § 1; 1983, No. 628, § 1; 1985, No. 365, §§ 2, 3, 12; A.S.A. 1947, § 13-338; Acts 1987, No. 646, § 2; 1997, No. 342, § 40; 1997, No. 1211, § 29; 2001, No. 163, § 1; 2001, No. 1453, § 11; 2013, No. 554, § 1; 2013, No. 1252, § 5; 2019, No. 315, § 1710; 2019, No. 910, §§ 6080, 6081.

A.C.R.C. Notes. Acts 2017, No. 120, § 7, provided: "TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the

provisions of Arkansas Code 19-4-522, but only as provided by this act.

"The provisions of this section shall be in effect only from July 1, 2017 through June 30, 2018."

Acts 2017, No. 121, § 4, provided: "TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of Arkansas Code 19-4-522, but only as provided by this act.

"The provisions of this section shall be in effect only from July 1, 2017 through June 30, 2018."

Amendments. The 2019 amendment by No. 315 deleted "regulations" following "rules" in (d)(1)(R).

The 2019 amendment by No. 910 substituted "Division of Information Systems" for "Department of Information Systems" twice in the last sentence of (c)(1) and in (d)(5).

19-4-524. Construction and permanent improvements.

(a) The construction and permanent improvements classification shall be determined by the language of the appropriation acts which make available funds for construction and new improvements. For the purpose of classifying the expenditures under any such appropriation, all the necessary expenses in connection therewith shall be deemed to be part of the construction costs. Such items of expense shall be deemed to include, but are not necessarily limited to, the following:

(1) Advertising for bids;

(2) Architects, engineers, and other professional services in connection with the proposed projects; and

(3) The payment of estimates on the various contracts in connection with such construction programs. All construction and improvements of whatever nature shall be subject to the provisions of §§ 19-4-1401 — 19-4-1412 and to the rules promulgated by the Chief Fiscal Officer of the State. No state agency for which appropriations have been made by the General Assembly for construction or improvements shall make any contract or incur any indebtedness payable from such appropriations unless and until there are sufficient funds on hand, for the benefit of any agency, to pay for the proposed obligations under such contracts. However, any such agency shall have the power to accept and use grants and donations and to use its unobligated cash income or other funds available to it for the purpose of supplementing the appropriations for construction purposes. The appropriations and funds otherwise provided by the General Assembly for personal services, maintenance, and general operation of the agency shall not be used in connection with any proposed construction projects for which specific appropriations have been made by the General Assembly, except for minor repairs and maintenance.

(b) The restrictions of this section shall not apply to contracts approved by the State Highway Commission for construction of roads and bridges in the highway system.

(c) The Chief Fiscal Officer of the State is authorized to reclassify but not consolidate an agency's appropriation for construction to effect the payment of construction-related costs in the appropriate classification as described in this subchapter using the state's financial management system to invoke budget control.

History. Acts 1973, No. 876, § 12; 1977, No. 813, § 1; 1979, No. 833, §§ 1, 2; 1981, No. 741, § 1; 1981, No. 924, § 1; 1983, No. 628, § 1; 1985, No. 365, §§ 2, 3, 12; A.S.A. 1947, § 13-338; Acts 2001, No. 1453, § 12; 2019, No. 315, § 1711.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in the second sentence of (a)(3).

SUBCHAPTER 6 — ANNUAL OPERATIONS PLANS OF STATE AGENCIES

SECTION.

19-4-604. State-supported institutions of higher education.

SECTION.

19-4-607. Review and approval of annual operations plans.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-4-604. State-supported institutions of higher education.

(a) At least thirty (30) days prior to the commencing of each fiscal year, the Chief Fiscal Officer of the State shall make studies for the purpose of estimating the anticipated amounts of general revenues to be available for distributions under the provisions of the Revenue Stabilization Law, § 19-5-101 et seq., for the fiscal year. The Chief Fiscal Officer of the State shall compute the estimated amounts of general revenues to be available for allocation to the respective State Treasury accounts in accordance with their percentage distributions of general revenues under the provisions of the Revenue Stabilization Law, § 19-5-101 et seq.

(b) The Chief Fiscal Officer of the State shall certify to each of the respective state-supported institutions of higher education, at least thirty (30) days prior to the commencement of each fiscal year, the estimated amounts of general revenues to be available for distribution to the State Treasury account for their respective institutions. The Chief Fiscal Officer of the State shall include in each certification the quarterly allocations thereof that are estimated to be available for expenditures based upon these estimates.

(c) Upon receipt of the estimated amounts to be available for expenditure and after reviewing the quarterly allocation thereof as submitted by the Chief Fiscal Officer of the State, any such institution may

request revisions in the proposed quarterly allotments as certified by the Chief Fiscal Officer of the State.

(d) The Chief Fiscal Officer of the State, with the advice and consent of the Division of Higher Education, shall approve requested revisions in the proposed quarterly allotments if he or she shall determine that:

(1) The proposed revisions in quarterly allotments do not exceed the aggregate of the estimated funds to be available from estimates of anticipated revenues and fund balances in the institution's account in the State Treasury for the fiscal year; and

(2) The revised quarterly allotments will not impose an undue hardship upon other allotments of revenues and other financial commitments to be met from the distributions of general revenues during the fiscal year.

(e) The Chief Fiscal Officer of the State shall periodically review the estimates of projected general revenue collections anticipated to be available during a fiscal year. The Chief Fiscal Officer of the State may make revisions in the amounts certified to the respective institutions of higher education based upon these estimates and may revise the quarterly amounts certified to each agency based upon the revised estimates.

(f) Institutions of higher education may, from time to time, request revisions in the quarterly allotments of moneys where needs of the institution require revisions thereof.

(g) Any unexpended balances remaining at the end of each fiscal year shall be transferred forward and made available for the support of the institutions of higher education for the following fiscal year.

(h) The budget execution provisions set forth in this section shall be applicable to all state-supported institutions of higher education, and except for the annual fiscal program requirements, the provisions of §§ 19-4-601, 19-4-602, and 19-4-607 — 19-4-609 shall not apply to these institutions; they shall be governed by the provisions of this section and by procedures established under authority of § 6-61-209.

(i) The division shall coordinate with the Chief Fiscal Officer of the State for administering the provisions of this section.

History. Acts 1973, No. 876, § 11; 1977, No. 486, § 1; A.S.A. 1947, § 13-337; Acts 1995, No. 1296, § 69; 2019, No. 910, §§ 2253, 2254.

substituted "Division of Higher Education" for "Department of Higher Education" in the introductory language of (d) and in (i).

Amendments. The 2019 amendment

19-4-607. Review and approval of annual operations plans.

(a) Each state agency other than the elected constitutional officers, the legislative branch and its staff offices, the judicial branch and its staff offices, the Arkansas Department of Transportation, the Office of the Arkansas Lottery, the state-supported institutions of higher education, and the Arkansas State Game and Fish Commission shall prepare an annual operations plan for the operation of each of its assigned programs for submission to the Chief Fiscal Officer of the State.

(b) The annual operations plan shall be prepared in the form and content determined by the Chief Fiscal Officer of the State and shall be transmitted to the Department of Finance and Administration on the date prescribed by the Chief Fiscal Officer of the State.

(c) In years when the General Assembly meets in regular session, the annual operations plan shall be prepared after adjournment of the regular session and shall take fully into consideration all applicable laws, including appropriations, and shall be submitted to the Department of Finance and Administration on a date set by the Chief Fiscal Officer of the State but prior to July 1 of that year.

(d) The Chief Fiscal Officer of the State shall:

(1) Review each annual operations plan to determine that:

(A) It is consistent with the policy decisions of the General Assembly and the Governor;

(B) Appropriations and funding have been provided by the General Assembly;

(C) It reflects proper planning and efficient management methods; and

(D) Appropriations and funding have been made for the planned purpose and will not be exhausted before the end of the fiscal year; and

(2)(A)(i) Approve the annual operations plan if he or she is satisfied that it meets all requirements.

(ii) Otherwise, he or she shall require necessary revisions of the plan in whole or in part.

(B) However, nothing in this section shall be construed to allow the Chief Fiscal Officer of the State to substitute his or her individual judgment as to the operation or necessity of any program of any state agency for the judgment of the executive head or board or commission charged with the responsibility for the operation and control of that agency.

(e) Each annual operations plan shall indicate:

(1) The appropriation and funding provided by the General Assembly;

(2) A detailed budget by quarters; and

(3) Any other supporting or related information required by the Chief Fiscal Officer of the State or requested by a legislative interim committee, including the Legislative Council.

History. Acts 1973, No. 876, § 9; A.S.A. 1947, § 13-335; Acts 1997, No. 1354, § 36; 2001, No. 221, § 3; 2009, No. 605, § 15; 2009, No. 606, § 15; 2015, No. 218, § 14; 2017, No. 707, § 43.

Amendments. The 2017 amendment substituted "Department of Transportation" for "State Highway and Transportation Department" in (a).

SUBCHAPTER 7 — EXPENDITURES GENERALLY

SECTION.

19-4-702. Time limits for presenting vouchers.

SECTION.

19-4-706. Interest and carrying charges.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-4-702. Time limits for presenting vouchers.

(a)(1)(A) A state agency may pay carryover obligations of the state that were incurred on or before June 30 of the current fiscal year up to forty-five (45) days after the end of the current fiscal year.

(B) The carryover obligations must be supported by purchase documents with corresponding receipts for the goods or services that have been recorded as received in the state’s financial management system by June 30 of the fiscal year previous to the fiscal year in which the carryover obligations are requested to be paid.

(2) The payments of the carryover obligations shall be charged against appropriations and fund cash balances of the fiscal year in which the obligations were incurred.

(3) Any payments for carryover obligations that are not supported by the documents as required in this subsection, or which are requested to be paid after forty-five (45) days following June 30 of the fiscal year previous to the fiscal year in which the carryover obligations are requested to be paid, shall be charged to the appropriations and fund cash balances of the then-current fiscal year.

(b) In the event such voucher or vouchers are approved for payment, the Auditor of State shall issue his or her warrants in payment of them not later than two (2) weeks following the receipt of the vouchers from the Department of Finance and Administration.

(c)(1) In the event of a just claim against any state agency, when the claim is submitted too late for payment in the manner prescribed in this section and the state agency affected has an appropriation for the same purpose for the fiscal period following that period in which the claim was incurred, then the disbursing agent may draw his or her voucher in the payment of the claim against the new appropriation, but only in the

event there were sufficient funds and appropriations for the prior year to cover the claim.

(2) Otherwise, the claim must be submitted to the Arkansas State Claims Commission for payment.

(d)(1)(A) In the event a biweekly pay period for personal services, as defined in §§ 19-4-521 and 19-4-1607, commences in the closing period of one (1) fiscal period and either ends in the following fiscal year or is paid in the following fiscal year, then the payment of the obligation may be made in whole from the appropriation for either fiscal period, as determined by the Chief Fiscal Officer of the State.

(B) However, in no event shall any obligation be incurred unless there are funds on hand or estimated to become available to meet the obligation when it becomes due.

(2)(A) For purposes of wages and compensation, the Chief Fiscal Officer of the State may determine the starting date of authorized job classifications and positions to coincide with the payment of the obligation under subdivision (d)(1) of this section.

(B) However, the determination under subdivision (d)(2)(A) of this section shall not cause any state fiscal year to be charged with fewer than twenty-six (26) or more than twenty-seven (27) biweekly pay periods.

(e)(1) All state agencies may carry over from the first fiscal year of any biennium to the second fiscal year of the biennium any unexpended appropriations and funds to the extent necessary to pay for items or commodities ordered at least ninety (90) days prior to the end of the first fiscal year but not received until after the end of the first fiscal year, if the purchase of such items and commodities is substantiated by a written contract resulting from the receipt of a formal bid.

(2)(A) All state agencies may carry over from the first fiscal year of any biennium to the second fiscal year of the biennium any unexpended maintenance and operation appropriations and funds, as defined under § 19-4-522, to the extent necessary to pay for renovation and minor and major repairs under the jurisdiction of the Building Authority Division which were under contract at least ninety (90) days prior to the end of the first fiscal year but which will not be completed until after the end of the first fiscal year and are substantiated by written contracts.

(B) This carryover provision shall apply only to appropriations and funds involving maintenance and operations.

(3) This subsection shall be supplemental to any other authority granted any state agency by law to carry forward unexpended fund balances from one (1) fiscal year to another.

History. Acts 1973, No. 876, § 13; 1977, No. 486, § 3; 1979, No. 833, § 4; 1985, No. 365, § 4; A.S.A. 1947, § 13-339; Acts 2001, No. 71, § 1; 2001, No. 1453, § 15; 2005, No. 645, § 1; 2019, No. 910, § 6082.

Amendments. The 2019 amendment deleted “of the Department of Finance and Administration” following “Building Authority Division” in (e)(2)(A).

19-4-706. Interest and carrying charges.

State agencies, including exempt agencies, may enter into contracts which contemplate the payment of interest, late charges, but only when such late charges are incurred sixty (60) days after payment is due, or carrying charges under such rules as may be promulgated by the State Procurement Director.

History. Acts 1973, No. 876, § 25; 1985, No. 365, § 13; A.S.A. 1947, § 13-351; Acts 1997, No. 1066, § 1; 2019, No. 315, § 1712.

Amendments. The 2019 amendment substituted “rules” for “regulations”.

SUBCHAPTER 8 — EXPENDITURE OF CASH FUNDS

SECTION.	SECTION.
19-4-801. Definitions.	19-4-817. Constitutional officers and agencies.
19-4-803. Exemptions.	
19-4-814. Supporting documentation.	

Effective Dates. Acts 2017, No. 296, § 4: Feb. 28, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that that this act amends the investment authority of the Treasurer of State and the ability of other participants to invest in the State Treasury Money Management Trust; that this act affects the ability of the Treasurer of State to invest state funds and take immediate advantage of investment opportunities to benefit the state and public entities of the state; and that this act is immediately necessary to allow for implementation of the new investment authority provisions to take full advantage of investment opportunities to benefit the State of Arkansas. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-4-801. Definitions.

As used in this subchapter:

(1) “Cash funds” means all moneys, negotiable instruments, certificates of indebtedness, stocks, and bonds held by or owned by any state agency which are not on deposit with or in the trust of the Treasurer of State; and

(2)(A) “State agency” means all boards, commissions, departments, agencies, institutions, offices or officers, state-supported institutions of higher education, and any other office or unit of government of the State of Arkansas created or established pursuant to law or pursuant to any action of the Governor, functioning under appropriation made by the General Assembly or functioning as a representative of the state without appropriation of the General Assembly.

(B) “State agency” shall not include the:

- (i) Governor;
- (ii) Secretary of State;
- (iii) Attorney General;
- (iv) Treasurer of State;
- (v) Auditor of State;
- (vi) Commissioner of State Lands;
- (vii) Supreme Court and its justices;
- (viii) Circuit courts and circuit judges;
- (ix) Prosecuting attorneys;
- (x) Arkansas State Game and Fish Commission;
- (xi) Arkansas Department of Transportation;
- (xii)(a) Office of the Arkansas Lottery.

(b) However, the office shall be considered a state agency for the purposes of § 19-4-810 et seq.;

(xiii) General Assembly; and

(xiv) Respective staffs of the officers and agencies listed in this subdivision (2)(B).

History. Acts 1975, No. 5, §§ 1, 2; A.S.A. 1947, §§ 13-356, 13-357; Acts 2005, No. 1962, § 79; 2009, No. 605, § 16; 2009, No. 606, § 16; 2009, No. 1405, § 25; 2015, No. 218, § 15; 2017, No. 707, § 44.

Amendments. The 2017 amendment substituted “Department of Transportation” for “State Highway and Transportation Department” in (2)(B)(xi).

19-4-803. Exemptions.

(a) The following are exempt from this subchapter:

(1) Funds required by the terms of a bond indenture to be held by paying agents for the payment of interest and principal on such bonds;

(2) Petty cash funds held by the various state agencies;

(3) Memorials, endowments, bequests, gifts, and donations made to any state agency other than for normal operation of the agency;

(4) Canteen funds of state agencies other than institutions of higher education, wherein the profits earned are used for the benefit of the people served by that agency through the purchase of services or goods other than normal salary or maintenance expenses of the agency;

(5) The Benefit Fund of the Division of Workforce Services;

(6) The Revenue Bond Guaranty Reserve Account of the Arkansas Economic Development Council;

(7) The Illegal Drug Purchase Account and the Confidential Accounts of the Division of Arkansas State Police;

(8) Patient funds, when the institution is acting in a trust capacity or when the funds are utilized for patient activities other than normal agency-provided services;

(9) The State Treasury Money Management Trust; and

(10) Any other funds determined by the Chief Fiscal Officer of the State or the General Assembly, to be held in trust and on deposit in a financial institution other than the State Treasury.

(b) The Division of Correction Plasma Center is exempt from provisions of this subchapter.

(c) The Arkansas Comprehensive Health Insurance Pool, created under the Comprehensive Health Insurance Pool Act, § 23-79-501 et seq., and its board of directors, and the Arkansas Property and Casualty Insurance Guaranty Fund and its advisory association, referenced under the Arkansas Property and Casualty Insurance Guaranty Act, § 23-90-101 et seq., and the Arkansas Life and Health Insurance Guaranty Association and its board of directors, referenced under the Arkansas Life and Health Insurance Guaranty Association Act, § 23-96-101 et seq., are hereby exempt from the provisions of this subchapter.

(d) The Tobacco Settlement Cash Holding Fund administered by the State Board of Finance shall be exempt from the provisions of this subchapter.

History. Acts 1975, No. 5, § 7; 1975, No. 265, § 1; 1977, No. 713, § 14; A.S.A. 1947, §§ 13-356.1, 13-362; Acts 1997, No. 540, § 39; 1997, No. 1000, § 17; 1997, No. 1179, § 3; Init. Meas. 2000, No. 1, § 19; Acts 2009, No. 251, § 10; 2013, No. 1146, § 1; 2017, No. 296, § 3; 2019, No. 910, §§ 974, 975.

Amendments. The 2017 amendment

substituted "Money Management Trust" for "Money Trust Management Fund" in (a)(9).

The 2019 amendment substituted "Division of Workforce Services" for "Department of Workforce Services" in (a)(5); and substituted "Division of Correction Plasma Center" for "Department of Correction Plasma Center" in (b).

19-4-814. Supporting documentation.

Requirements for supporting documentation for disbursements shall be determined as follows:

(1) In connection with purchasing procedures, the Chief Fiscal Officer of the State shall prescribe and define the necessary documents and other evidence which shall be retained by the agency for the purpose of determining whether the proper purchasing procedures have been complied with;

(2) In all instances where the evidences of indebtedness are represented by vendor's invoices, the agency shall retain in the permanent file of the business office of the agency the original invoice and

corresponding documentation of actual payment in accordance with procedures established by the Chief Fiscal Officer of the State;

(3) In connection with printing contracts, provided by the Arkansas Constitution and laws of this state, the supporting documentation shall be those prescribed by the Auditor of State or by the Department of Finance and Administration, as appropriate;

(4) In connection with the laws or rules governing travel, where individuals are reimbursed for expenses incurred for travel in connection with their official duties, the supporting papers shall be the forms or statements of such expenses prescribed by the Chief Fiscal Officer of the State. In the case of per diem or other expenses established by law, the disbursing officer shall attach to the voucher issued in payment of such allowances a citation of his or her authority for making such payments;

(5) Any indebtedness or expense incurred in connection with an approved resolution of any state board or commission shall be made a part of the permanent minutes of such board or commission, and copies of such resolution or minutes authorizing any indebtedness or expense shall be attached to the voucher issued in payment of any such indebtedness or expense; and

(6) In instances where the General Assembly has authorized grants to public schools, public welfare recipients, counties, municipalities, and for other purposes specifically provided by law, for payments made to individuals under retirement systems, and for income tax refunds, the Chief Fiscal Officer of the State shall prescribe the forms of the vouchers to be used and the procedure to be followed in making such payments.

History. Acts 1991, No. 21, § 1; 2001, substituted “rules” for “regulations” in the No. 1453, § 21; 2019, No. 315, § 1713. first sentence of (4).

Amendments. The 2019 amendment

19-4-817. Constitutional officers and agencies.

(a) Beginning with fiscal year 2021, cash funds of the following constitutional officers and departments shall be budgeted and proposed expenditures approved by enactments of the General Assembly:

- (1) The Governor;
- (2) The Secretary of State;
- (3) The Attorney General;
- (4) The Treasurer of State;
- (5) The Auditor of State;
- (6) The Commissioner of State Lands;
- (7) The Supreme Court and its justices;
- (8) The Arkansas State Game and Fish Commission;
- (9) The Arkansas Department of Transportation;
- (10) The General Assembly; and
- (11) The respective staffs of the officers listed in this subsection.

(b) The General Assembly shall budget, approve, and appropriate expenditures of cash funds by the enactment of separate appropriation bills setting forth the purpose for which the moneys are to be expended and the dollar amount to be expended for that purpose.

(c) The constitutional officers and agencies listed in subsection (a) of this section shall submit any budgetary information requested by the Legislative Council and shall undertake whatever budgetary procedures the Legislative Council may establish for the appropriation of cash funds.

(d) The constitutional officers and agencies listed in subsection (a) of this section shall not be charged a service charge under § 19-5-206, when complying with this section.

(e) This section does not provide the General Assembly with the authority to approve expenditures of the Arkansas State Game and Fish Commission or the Arkansas Department of Transportation, which shall be subject only to review and appropriation by the General Assembly.

History. Acts 2019, No. 678, § 4.

A.C.R.C. Notes. Acts 2019, No. 678, § 1, provided: "Title. This act shall be known and may be cited as the 'Government Financial Disclosure and Accountability Act of 2019'".

Acts 2019, No. 678, § 2, provided: "Legislative intent.

"(a) It is the intent of the General Assembly:

"(1) To provide for additional transparency in the budgeting and expenditure procedures used by constitutional officers and agencies;

"(2) To require additional financial disclosures to better enable the General Assembly to responsibly appropriate state funds;

"(3) To ensure that the state and the public have the necessary information to determine whether state funds are being used in an appropriate and fiscally responsible manner;

"(4) That, to the extent this act conflicts with any provision of the Arkansas Constitution, the Arkansas Constitution applies; and

"(5) To require that cash funds have an appropriation authorized by the General Assembly and that budget requests submitted during budget hearings include the information necessary for the General Assembly to make informed appropriation decisions.

"(b) It is not the intent of the General Assembly to:

"(1) Make the constitutional officers and agencies state agencies for purposes of state accounting and budgetary procedures;

"(2) Require the constitutional officers and agencies to submit annual operations plans that are the same as the annual operations plans required for state agencies;

"(3) Apply the procurement laws in Arkansas Code, Title 19, Chapter 11, to the constitutional officers and agencies to the extent that the procurement laws do not already apply; or

"(4) Require legislative approval of any expenditure of an office or agency if such approval would conflict with the Arkansas Constitution".

SUBCHAPTER 9 — TRAVEL RULES

SECTION.

19-4-901. Rules generally.

19-4-903. Standard reimbursements and special authorizations — Definitions.

19-4-904. Exempt persons and agencies.

SECTION.

19-4-905. State-owned motor vehicles generally.

19-4-906. Motor vehicle restrictions and authorizations — Definition.

Effective Dates. Acts 2017, No. 178, § 11: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2017."

Acts 2017, No. 179, § 13: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health

and safety shall be in full force and effect from and after July 1, 2017."

Acts 2019, No. 204, § 5: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the name change proposed under this act is to enable students interested in the Texarkana campus of the community college to have their ACT testing information sent directly to Texarkana and not to the Hope campus of the community college or to an institution in Texas; that there is confusion regarding where a student should send his or her ACT scores because Texarkana is not currently part of the campus's formal name; and that this act is necessary in order to change the name of the community college in time for the next fiscal year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

Acts 2019, No. 942, § 10: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that changes to the maximum number of motor vehicles authorized for certain institutions of higher education are necessary to maintain the efficient operations of the institutions of higher education; and that the changes in the maximum number of motor vehicles authorized for these institutions of higher education should take effect at the beginning of a fiscal year to maximize the effectiveness and efficiency of the changes in the law. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

19-4-901. Rules generally.

The Chief Fiscal Officer of the State shall promulgate rules with respect to travel and travel allowances and prescribe the forms and procedures for reporting, approving, and paying such travel allowances for all officers and employees of the state government or for other persons who are authorized to carry out official duties in connection with the business of the state.

History. Acts 1973, No. 876, § 16; A.S.A. 1947, § 13-342; Acts 2019, No. 315, § 1714.

Amendments. The 2019 amendment deleted "and regulations" following "Rules" in the section heading; and de-

leted "and regulations" following "rules".

19-4-903. Standard reimbursements and special authorizations — Definitions.

(a)(1) Except for special authorization by the Chief Fiscal Officer of the State, reimbursement for meals and lodging while traveling on official business of the state shall not exceed the maximum rates as prescribed by the Federal Travel Directory published by the United States General Services Administration.

(2) Requests for special authorization shall be limited to those rare occasions where unusual circumstances may cause the existing rates to be inadequate and shall be set out in writing in such detail as shall be required in the state travel procedures and shall be executed in behalf of each individual traveler for each special authorized occasion. Provided however, that requests for special authorization by employees of institutions of higher education shall be subject to the approval of the chief executive officer of the institution and not the Department of Finance and Administration.

(3) Under such emergency conditions as shall be determined by the Governor, the limitations of this subsection with respect to meals and lodging may be waived or modified.

(b)(1) As used in this subsection, "state-owned motor vehicle" means a motor vehicle purchased or leased by:

- (A) The State of Arkansas;
- (B) The office of a constitutional officer of the State of Arkansas;
- (C) A constitutionally independent agency or commission; and
- (D) A state-supported institution of higher education.

(2)(A) Unless otherwise provided by law, reimbursement for the use of privately owned motor vehicles while traveling on official business for the state shall not exceed the allowable rate of the Internal Revenue Service per mile for business use of privately owned motor vehicles.

(B) A state agency director may authorize reimbursement for travel expenses for meals, lodging, and private automobile or airplane usage at amounts less than that established under the authority of this section.

(C) The Chief Fiscal Officer of the State by rule may establish procedures and the rate for reimbursing individuals for the use of privately owned airplanes while traveling on official business for the state.

(3)(A)(i) Any employee of the State of Arkansas who utilizes, but whose job does not require the state employee to utilize, a state-owned motor vehicle for transportation to or from his or her permanent residence from or to his or her official station on a daily basis shall reimburse the fund from which the operating expenses of the state-owned motor vehicle are paid at the same rate authorized by the state agency director of the agency employing the state employee

for reimbursements for private automobile usage under subdivision (b)(2)(B) of this section.

(ii) As used in subdivision (b)(3)(A)(i) of this section, “state employee”:

(a) Means an employee of a state agency, board, commission, department, or state-supported institution of higher education; and

(b) Includes a constitutional officer and an employee of a constitutional officer.

(B) All state-owned motor vehicles or state-leased motor vehicles shall be for official business use only.

(c) The Chief Fiscal Officer of the State shall promulgate rules to implement the provisions of this subchapter.

History. Acts 1973, No. 876, § 16; 1974 (1st Ex. Sess.), No. 16, § 1; 1977, No. 462, § 1; 1979, No. 890, § 1; 1985, No. 365, § 7; A.S.A. 1947, § 13-342; Acts 1987, No. 81, § 1; 1991, No. 1222, §§ 1, 2; 1997, No. 795, § 1; 2011, No. 1021, § 1; 2019, No. 315, §§ 1715, 1716.

Amendments. The 2019 amendment substituted “rule” for “regulation” in (b)(2)(C); and deleted “and regulations” following “rules” in (c).

19-4-904. Exempt persons and agencies.

(a)(1) The limitations of this subchapter relating to travel rules shall not be applicable to:

(A) Except as provided in § 19-4-903(b), the constitutional or elective officials and their employees; or

(B) Official guests of the state.

(2) The provisions of this subchapter shall not be used to supersede or set aside the provisions of law providing for fixed allowances, established amounts for per diem, or to special travel privileges provided by law for specific purposes when the allowances exceed those authorized in this subchapter.

(b)(1) Personal reimbursement will not be allowed to any state official, state employee, or any other person traveling on official business for expenses covering personal entertainment, flowers, valet service, laundry and cleaning, or other personal expenses, as those expenses shall be defined in the state travel rules. All such persons shall be required to submit their travel reimbursement requests upon forms prescribed by the Department of Finance and Administration, itemized in such detail as shall be necessary to carry out the purposes and intent of this section.

(2) The tip reimbursement amount shall not exceed fifteen percent (15%) of the meal amount expended.

(3) The total reimbursement for meals and tips shall not exceed the maximum rates prescribed by the Financial Management Guide published by the Office of Accounting of the Department of Finance and Administration.

(c) The cost of meals, lodging, and mileage of state employees who are designated by a supervisor or agency director to attend official or

special board meetings or other functions recognized as being in the performance of their official duties may be paid either as reimbursement to the employee or on direct billing, in the case of meals and lodging, subject to approval of the superior.

(d) It is recognized that within the state-supported institutions of higher education there exists an obligatory inherent cost of providing travel expenses for a group or number of students who, when accompanied by those who instruct the students in the fundamentals of a competitive sport and direct team strategy, must travel and be recognized as a cohesive unit representing not only their institution, but exemplifying the State of Arkansas in their behavior, attitudes, interests, presentation, and conduct. In these circumstances the payment of group travel expenses, including those of students and employees, may be authorized as follows:

- (1) Meals and lodging;
- (2) Transportation;
- (3) Entertainment, within reasonable limits, to ease the pressure on students of their objectives;
- (4) Costs of group activities, including gratuities, laundry, cleaning, and favors; and
- (5) Other personal expenses to be paid only from auxiliary funds not inconsistent with standards, rules, or prohibitions established by recognized national or state governing associations pertaining to the respective students and employees and the institutions they are representing.

History. Acts 1973, No. 876, § 16; 1981, No. 741, § 3; 1985, No. 365, § 7; A.S.A. 1947, § 13-342; Acts 1997, No. 250, § 174; 2007, No. 715, § 1; 2011, No. 1021, § 2; 2019, No. 315, §§ 1717-1719.

Amendments. The 2019 amendment substituted “rules” for “regulations” in the introductory language of (a)(1) and the first sentence of (b)(1); and deleted “regulations” following “rules” in (d)(5).

19-4-905. State-owned motor vehicles generally.

(a) All state-owned motor vehicles which are purchased under the authority of the Chief Fiscal Officer of the State shall be licensed in such manner so as to identify each vehicle as state property.

(b) The Chief Fiscal Officer of the State shall provide a special license plate suitable for all state-owned motor vehicles and shall establish procedures for the purpose of supplying information on all state-owned motor vehicles, both those which are purchased and those which are sold, traded in, or otherwise disposed of.

(c) The Chief Fiscal Officer of the State shall make rules for obtaining the required license plates and for returning the plates when the vehicles are disposed of and shall notify all state agencies of procedures to be followed.

(d) Each agency shall be required to pay the regular license fee for the special state property license plate in the manner prescribed by the Department of Finance and Administration.

(e) In the event the best interests of the state would be served by not displaying a special tag, such as in police work, an exception to the provisions of this section may be obtained only upon the written approval of the Governor.

History. Acts 1973, No. 876, § 16; A.S.A. 1947, § 13-342; Acts 2019, No. 315, § 1720.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (c).

19-4-906. Motor vehicle restrictions and authorizations — Definition.

(a)(1) None of the funds appropriated for the various state agencies, authorities, boards, commissions, departments, and institutions of higher education listed in this section shall be used to purchase, lease for over thirty (30) days, operate, repair, or provide services for more than the maximum number of passenger motor vehicles as stated in this section, except in an emergency as proclaimed by the Governor.

(2) As used in this section, “passenger motor vehicles” means vehicles licensed for highway use, including without limitation automobiles, trucks, and vans, that do not require a commercial driver’s license to operate.

(3) Mileage reimbursement for employees’ utilization of their personal automobiles is not included in this restriction.

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(001)	Arkansas Abstracters’ Board	0
(002)	Administrative Office of the Courts	3
(003)	Adv. Council for Vo-Tech Education [abolished]	2
(004)	Arkansas State Board of Chiropractic Examiners	0
(005)	Arkansas Board of Hearing Instrument Dispensers	0
(006)	Arkansas Board of Podiatric Medicine	0
(007)	Building Authority Division	22
(008)	Arkansas Bureau of Standards	34
(009)	Arkansas Cemetery Board [abolished]	0
(010)	Arkansas Code Revision Commission	0
(011)	Arkansas Commission on Law Enforcement Standards of Training	15
(012)	Arkansas Crime Information Center	11
(013)	Division of Aeronautics	1

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(014)	Division of Emergency Management	15
(015)	Division of Environmental Quality	57
(016)	Arkansas Development Finance Authority	3
(017)	Arkansas Economic Development Council	31
(018)	Arkansas Fire Protection Licensing Board	0
(019)	Arkansas Forestry Commission	396
(020)	Arkansas Geological Survey	18
(021)	Arkansas State Archives	3
(022)	Arkansas Livestock and Poultry Commission	81
(023)	Arkansas Manufactured Home Commission	3
(024)	Arkansas Motor Vehicle Commission	5
(025)	Arkansas Natural Resources Commission	8
(026)	Arkansas Northeastern College	26
(027)	Arkansas Psychology Board	0
(028)	Arkansas Public Employees' Retirement System	5
(029)	Arkansas Public Service Commission	27
(030)	Arkansas Real Estate Commission	3
(031)	Arkansas School for Mathematics, Sciences, and the Arts	14
(032)	Arkansas School for the Blind	8
(033)	Arkansas School for the Deaf	14
(034)	Arkansas Science and Technology Authority [abolished]	1
(035)	Arkansas Social Work Licensing Board	0
(036)	Arkansas Soybean Promotion Board	0
(037)	Arkansas Spinal Cord Commission	3
(038)	Arkansas State Board of Architects, Landscape Architects, and Interior Designers	0
(039)	Arkansas State Board of Dental Examiners	1
(040)	Arkansas State Board of Landscape Architects [abolished]	0
(041)	Arkansas State Board of Massage Therapy [abolished]	0
(042)	Arkansas State Board of Nursing	1

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(043)	Arkansas State Board of Pharmacy	1
(044)	Arkansas State Board of Public Accountancy	0
(045)	Arkansas State Board of Registration for Foresters	0
(046)	Arkansas State Board of Registration for Professional Soil Classifiers	0
(047)	Arkansas State Board of Sanitarians	0
(048)	Arkansas State Department of Health Building Commission [abolished]	0
(049)	Arkansas State Game and Fish Commission	500
(050)	Arkansas Department of Transportation	43
(051)	Arkansas Department of Transportation	2,300
(052)	Arkansas Department of Transportation — (NOAA)	0
(053)	Arkansas State Highway Employees' Retirement System	0
(054)	Arkansas State Library	29
(055)	Arkansas State Medical Board	0
(056)	Division of Arkansas State Police	725
(057)	Arkansas State University	131
(058)	Arkansas State University — Beebe	32
(059)	Arkansas State University — Mountain Home	12
(060)	Arkansas State University — Newport	26
(061)	Arkansas State University system	9
(062)	Arkansas Student Loan Authority [abolished]	2
(063)	Arkansas Teacher Retirement System	4
(064)	Arkansas Tech University	70
(065)	Arkansas Waterways Commission	1
(066)	Black River Technical College	14
(067)	Board of Corrections	6
(068)	Board of Examiners in Speech-Language Pathology and Audiology	0
(069)	Burial Association Board [abolished]	2
(070)	Commission on Water Well Construction	2

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(071)	Contractors Licensing Board	1
(072)	Cossatot Community College of the University of Arkansas	20
(073)	Division of Arkansas Heritage	11
(074)	Department of Correction	254
(075)	Department of Education	10
(076)	Department of Finance and Administration — Alcoholic Beverage Control Division	22
(077)	Department of Finance and Administration — Alcoholic Beverage Control Division — Administration Division	1
(078)	Department of Finance and Administration — Management Services Division	44
(079)	Department of Finance and Administration — Racing Division	1
(080)	Department of Finance and Administration — Revenue Division	168
(081)	Department of Health	111
(082)	Division of Higher Education	2
(083)	Department of Human Services	444
(084)	Division of Information Systems	7
(085)	Department of Labor	9
(086)	Department of Parks, Heritage, and Tourism	187
(087)	Division of Workforce Services	27
(088)	Dept. of Education — National Migrant Student Record Transfer System [abolished]	1
(089)	Dept. of Education — Vo-Tech Division	22
(090)	Dept. of Education — Vo-Tech Schools	280
(091)	Dept. of Veterans Affairs and the veterans' homes	11
(092)	Disabled Veterans Service Office	0
(093)	East Arkansas Community College	28
(094)	Arkansas Educational Television Commission	14
(095)	Health Services Permit Agency	1
(096)	Henderson State University	45
(097)	Liquefied Petroleum Gas Board	4

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(098)	Arkansas State University Mid-South	20
(099)	National Park College	17
(100)	North Arkansas College	30
(101)	Northwest Arkansas Community College	22
(102)	Office of the Prosecutor Coordinator	0
(103)	Oil and Gas Commission	17
(104)	College of The Ouachitas	10
(105)	Ozarka College	12
(106)	Phillips Community College of the Univer- sity of Arkansas	27
(107)	University of Arkansas — Pulaski Techni- cal College	25
(108)	Arkansas Revenue Department Building Commission	0
(109)	University of Arkansas Community Col- lege at Rich Mountain	15
(110)	SAU-Tech — Camden	15
(111)	SAU-Tech — Arkansas Environmental Training Academy	6
(112)	SAU-Tech — Arkansas Fire Training Acad- emy	22
(113)	South Arkansas Community College	20
(114)	Southeast Arkansas College	10
(115)	Southern Arkansas University — Magnolia	50
(116)	State Athletic Commission	0
(117)	State Bank Department	22
(118)	State Board of Barber Examiners	0
(119)	State Board of Collection Agencies	0
(120)	Cosmetology Technical Advisory Commit- tee	0
(121)	State Board of Embalmers and Funeral Directors [abolished]	0
(122)	State Board of Licensure for Professional Engineers and Professional Surveyors	0
(123)	State Crime Laboratory	15
(124)	State Department for Social Security Ad- ministration Disability Determination	3
(125)	State Insurance Department	6

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(126)	Department of the Military	20
(127)	State Plant Board	30
(128)	State Securities Department	5
(129)	University of Arkansas at Fayetteville	299
(130)	University of Arkansas at Fort Smith	39
(131)	University of Arkansas at Little Rock	75
(132)	University of Arkansas at Monticello	64
(133)	University of Arkansas at Pine Bluff	75
(134)	University of Arkansas Community College at Batesville	10
(135)	University of Arkansas Community College at Hope-Texarkana	20
(136)	University of Arkansas Community College at Morrilton	16
(137)	University of Arkansas for Medical Sciences	110
(138)	University of Central Arkansas	100
(139)	Arkansas Veterans' Child Welfare Service	0
(140)	Veterinary Medical Examining Board	0
(141)	War Memorial Stadium Commission	3
(142)	Workers' Compensation Commission	25
(143)	Division of Agriculture of the University of Arkansas	326

(b)(1) The General Assembly recognizes that, in some cases, motor vehicles are donated to educational institutions and agencies primarily for use in automotive repair and maintenance courses and in instructional programs for truck operators and that such motor vehicles are not normally used for other purposes by the institutions and agencies and should not be included in the maximum number of authorized passenger vehicles prescribed for such institutions and agencies in this section.

(2)(A) Therefore, motor vehicles donated to educational institutions and agencies primarily for use in programs of instruction in automotive maintenance and repair, in operator training, and in related instructional programs shall not be included for the purpose of determining the number of vehicles authorized for any such institutions or agencies.

(B) The provisions of this section shall not be applicable to these motor vehicles.

(c)(1) The Department of Human Services is exempt from the provisions of this section.

(2) The Department of Human Services may purchase vehicles utilizing federal funds and the appropriate state matching funds required.

History. Acts 1983, No. 490, §§ 1, 2; 1985, No. 649, § 44; 1985, No. 888, §§ 22, 23; A.S.A. 1947, §§ 13-342.1, 13-342.3; Acts 1987, No. 921, § 19; 1989, No. 790, § 1; 1989 (1st Ex. Sess.), No. 252, § 9; 1993, No. 447, § 9; 1997, No. 540, § 40; 1997, No. 948, § 3; 1999, No. 646, § 56; 1999, No. 1164, § 156; 1999, No. 1398, § 28; 2001, No. 739, §§ 2, 3; 2001 No. 1669, § 29; 2001, No. 1800, § 2; 2005, No. 1869, §§ 1-28; 2005, No. 2123, § 31; 2007, No. 186, § 3; 2007, No. 711, § 1; 2007, No. 1255, § 35; 2009, No. 1334, § 34; 2013, No. 949 § 5; 2013, No. 1393, § 1; 2015, No. 1271, §§ 1-9; 2016, No. 140, § 10; 2016, No. 141, § 10; 2016 (3rd Ex. Sess.), No. 2, § 123; 2016 (3rd Ex. Sess.), No. 3, § 123; 2017, No. 178, § 6; 2017, No. 179, § 8; 2017, No. 422, §§ 1, 2; 2017, No. 707, § 45; 2019, No. 204, § 2; 2019, No. 942, §§ 1-9.

Amendments. The 2017 amendment by No. 178 inserted “University of Arkansas” at the beginning of (a)(107).

The 2017 amendment by No. 179 substituted “University of Arkansas Community College at Rich Mountain” for “Rich Mountain Community College” in (a)(109).

The 2017 amendment by No. 422 redesignated former (a) as (a)(1) through (a)(3);

in (a)(1), substituted “listed in this section” for “listed below” and “as stated” for “as set out”; in (a)(2), substituted “As used in this section, ‘passenger motor vehicles’ means vehicles” for “Passenger motor vehicles are defined as those” and “without limitation” for “but not limited to”, and added “that do not require a commercial driver’s license to operate”; substituted “is not” for “shall not be deemed to be” in (a)(3); substituted “500” for “400” in (a)(049); and made related stylistic changes.

The 2017 amendment by No. 707 substituted “Department of Transportation” for “State Highway and Transportation Department” in (a)(050), (a)(051) and (a)(052).

The 2019 amendment by No. 204 substituted “University of Arkansas Community College at Hope-Texarkana” for “University of Arkansas Community College at Hope” in (a)(135).

The 2019 amendment by No. 942 substituted “26” for “21” in (a)(060); substituted “28” for “13” in (a)(093); substituted “20” for “15” in (a)(098); substituted “22” for “20” in (a)(101); substituted “15” for “12” in (a)(109); substituted “50” for “46” in (a)(115); substituted “299” for “605” in (a)(129); substituted “110” for “105” in (a)(137); and added (a)(143).

SUBCHAPTER 10 — OIL COMPANY CREDIT CARDS

SECTION.

19-4-1007. No use of other credit cards.

SECTION.

19-4-1008. Revolving funds for expenses.

19-4-1007. No use of other credit cards.

(a) If it is determined by the Chief Fiscal Officer of the State to be essential to enable an agency, board, or commission to effectively carry out its responsibilities, the Chief Fiscal Officer of the State may authorize an agency, board, or commission, or certain employees thereof, to use state credit cards for which the state agency assumes liability for payment, under rules as may be prescribed by the Chief Fiscal Officer of the State.

(b) No credit cards shall be used except those approved by the Chief Fiscal Officer of the State.

History. Acts 1979, No. 676, § 6; A.S.A. 1947, § 12-2378.5; Acts 2003, No. 656, § 6; 2019, No. 315, § 1721.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (a).

19-4-1008. Revolving funds for expenses.

(a)(1) The Chief Fiscal Officer of the State is authorized to promulgate appropriate rules authorizing state agencies, boards, commissions, and institutions of higher education to establish revolving funds which shall be within such limitations as the Chief Fiscal Officer of the State may prescribe or to make advances of expense funds for authorized travel by officials and employees of state agencies, boards, commissions, and institutions of higher education whose travel is in conjunction with institutionally sponsored events or programs. The advanced funds shall be reimbursed by the individual borrowing the funds from moneys to the individual upon filing an authorized expense account in connection with the travel.

(2) These funds shall be used to make advances of expense funds for authorized travel by officials and employees of state agencies, boards, commissions, and institutions of higher education whose travel is in conjunction with institutionally sponsored events or programs.

(3) These funds shall be reimbursed by the individual borrowing the funds from moneys to the individual upon filing his or her authorized expense account in connection with his or her travel.

(b) The rules may authorize the state agency, board, commission, or institution of higher education to require the employee to file an agreement authorizing the agency to recover any amounts advanced for travel expense purposes from the amounts claimed and allowed the employee or student as reimbursement for actual expenses incurred, to recover them from the next or future salary payments to the employee, or add them to the receivables account of the student.

History. Acts 1979, No. 676, § 6; A.S.A. 1947, § 12-2378.5; Acts 1995, No. 1258, § 1; 2001, No. 1453, § 26; 2019, No. 315, §§ 1722, 1723.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in the first sentence of (a)(1); and substituted “rules” for “regulations” in (b).

SUBCHAPTER 11 — APPROVAL OF EXPENDITURES

SECTION.	SECTION.
19-4-1103. Responsibilities of agency heads.	19-4-1107. Supporting documents generally.
19-4-1104. Duty to examine and approve.	

19-4-1103. Responsibilities of agency heads.

(a) It shall be the responsibility of each executive head of a state agency to establish adequate internal administrative procedures and

controls to ensure prompt and accurate payment of obligations in order to promote good public relations and to take advantage of all available discounts. It shall also be the responsibility of each executive head of a state agency to establish adequate administrative procedures to ensure that all financial transactions of the agency are posted in the state's financial management system in accordance with procedures established by the Chief Fiscal Officer of the State.

(b) It shall also be the responsibility of the agency head to establish a system of pre-audit within his or her agency to ensure that checks and vouchers, before being released by the agency, are prepared in accordance with all applicable purchasing and fiscal laws and rules by performing the following functions. He or she shall determine that:

(1) Services, materials, supplies, and equipment received comply with specifications indicated on purchase documents;

(2) Quantities received, as being indicated on the invoice, agree with those shown on the receiving report;

(3) Unit prices agree with those indicated on the purchase documents;

(4) The extensions and footings of the invoice are correct;

(5) The voucher or check is prepared in sufficient time to take advantage of all available discounts being offered;

(6) Sufficient appropriation and funds are available for payment of the obligation; and

(7) The obligation was incurred in conformity with all purchasing and fiscal laws.

(c) It shall also be the responsibility of the agency head to establish that:

(1) Every voucher for a proposed disbursement is approved by the bonded disbursing officer of the agency issuing the voucher or by his or her authorized agent;

(2) An appropriation has been made to cover the proposed disbursement and that there is sufficient balance remaining in the appropriation account and in the fund against which it is drawn to ensure that the voucher can be converted into a valid warrant;

(3) The proposed disbursement has been drawn on the proper voucher form and the name and address of the disbursing agency and the name and address of the vendor or payee is properly identified on the voucher form;

(4) The proposed voucher is prepared in accordance with the established general accounting procedures relating to appropriation titles and codes and the proposed transactions are identified and classified in accordance with the administrative rules on the subject; and

(5) The voucher for the proposed disbursement is accompanied by proper supporting documentation, as evidence that the indebtedness has been incurred and that the amount for which the voucher is written corresponds with such evidence.

History. Acts 1973, No. 876, § 15; 341; Acts 2001, No. 1453, § 29; 2019, No. 1979, No. 833, §§ 6, 7; A.S.A. 1947, § 13- 315, §§ 1724, 1725.

Amendments. The 2019 amendment substituted “fiscal laws and rules” for “fiscal laws, rules, and regulations” in the first sentence of the introductory language of (b); and substituted “rules” for “regulations” in (c)(4).

19-4-1104. Duty to examine and approve.

It shall be the duty of the Chief Fiscal Officer of the State to design the state’s financial management system to provide reasonable assurances that financial transactions conform to the provisions of law and rules. He or she shall not be required to pass upon the propriety of any financial transaction if it is found to conform to the provisions of this subchapter. However, the Chief Fiscal Officer of the State may perform examinations of transactions to determine the propriety of the transactions in conformity with applicable laws and rules.

History. Acts 1973, No. 876, § 15; A.S.A. 1947, § 13-341; Acts 2001, No. 1453, § 30; 2019, No. 315, § 1726. **Amendments.** The 2019 amendment substituted “rules” for “regulations” in the first and last sentences.

19-4-1107. Supporting documents generally.

Supporting documents for the disbursement of state funds shall include the following:

(1) In connection with purchasing procedure, the Chief Fiscal Officer of the State shall prescribe and define the necessary documents and other evidence which shall be for the purpose of determining whether the proper purchasing procedures have been complied with;

(2)(A) In all instances when the evidences of indebtedness are represented by vendors’ invoices, the agency shall retain in the permanent file of the business office of the agency the original invoice and corresponding documentation in accordance with procedures established by the Chief Fiscal Officer of the State.

(B) In those instances when the daily transactions with vendors are numerous, such as in the case of retail service station purchases, the Chief Fiscal Officer of the State may prescribe the use of monthly statements from the vendors as supporting documents for the vouchers;

(3) In connection with printing contracts provided for by the Arkansas Constitution and laws of this state, the supporting documents shall be those prescribed by the Auditor of State or by the Department of Finance and Administration as appropriate;

(4)(A) In connection with the laws or rules governing travel, when individuals are reimbursed for expenses incurred for travel in connection with their official duties, the supporting papers shall be the forms or statements of such expenses prescribed by the Chief Fiscal Officer of the State.

(B) In the case of per diem or other expenses established by law, the disbursing officer shall attach to the vouchers issued in payment of such allowances a citation of his or her authority for making such payments;

(5)(A) Any indebtedness or expense incurred in connection with an approved resolution of any state board or commission shall be made a part of the permanent minutes of the board or commission.

(B) Copies of the resolution or minutes authorizing any indebtedness or expense shall be attached to the vouchers issued in payment of any indebtedness or expense; and

(6)(A)(i) The Chief Fiscal Officer of the State shall prescribe the forms of the vouchers to be used and the procedure to be followed in making payments in instances when the General Assembly has authorized grants:

(a) To public schools, public welfare recipients, counties, and municipalities;

(b) For other purposes specifically provided for by law;

(c) For payments made to individuals under retirement systems; and

(d) For income tax refunds.

(ii) The Chief Fiscal Officer of the State may review all disbursements to determine that the disbursements are issued in accordance with their respective appropriations and that there are sufficient funds to cover all the payments.

(B) In the case of vouchers written upon the Public School Fund for state equalization aid, the Auditor of State shall process warrants to pay the vouchers upon certification by the Chief Fiscal Officer of the State that funds are available from general revenues available for distribution or from other sources for the benefit of the Public School Fund with which to pay the warrants when they are presented for payment.

(C) In the case of payments made to welfare recipients under the welfare laws of this state, the approved list of welfare recipients may be certified directly to the Auditor of State, who shall approve the issuance of warrants upon certification by the Chief Fiscal Officer of the State that funds are available from general revenues available for distribution or from other sources for the benefit of the Department of Human Services Grants Fund Account of the Department of Human Services Fund with which to pay the warrants when they shall be presented for payment.

(D) In the case of vouchers written upon the Arkansas Public Employees' Retirement System, the Arkansas Local Police and Fire Retirement System, the State Police Retirement System, the Arkansas Judicial Retirement System, and the Arkansas Teacher Retirement System funds for retiree benefits, the Auditor of State shall process paper or electronic warrants to pay the vouchers upon certification by the Chief Fiscal Officer of the State that funds are available from the Arkansas Public Employees' Retirement System, the Arkansas Local Police and Fire Retirement System, the State Police Retirement System, the Arkansas Judicial Retirement System, and the Arkansas Teacher Retirement System funds with which to pay the warrants when they shall be presented for payment.

(E) In the case of vouchers written upon the Uniform Tax Rate Trust Fund, the Auditor of State shall process warrants to pay the vouchers upon certification by the Chief Fiscal Officer of the State that funds are available for the benefit of the Uniform Tax Rate Trust Fund with which to pay the warrants when they shall be presented for payment.

(F) In the case of vouchers written upon specific funds receiving federal funding, according to the Cash Management Improvement Act of 1990, Pub. L. No. 101-453, Oct. 24, 1990, 104 Stat. 1058, agreement, the Auditor of State shall process warrants and the Treasurer of State shall redeem the warrants presented for payment upon notification by the Chief Fiscal Officer of the State that the state agency director has certified to the Chief Fiscal Officer of the State that:

- (i) A federal fund transfer request has been completed and accepted by the federal funding source; and
- (ii) Federal funds will be transferred for the benefit of the state fund to pay the warrants.

History. Acts 1973, No. 876, § 15; 2005, No. 1149, § 1; 2007, No. 177, § 5; 1977, No. 486, § 4; A.S.A. 1947, § 13-341; 2019, No. 315, § 1727.
Amendments. The 2019 amendment substituted “rules” for “regulations” in 2001, No. 1453, § 32; 2003, No. 656, § 7; (4)(A).

SUBCHAPTER 12 — DISBURSEMENT OF PUBLIC FUNDS

SECTION.	SECTION.
19-4-1206. Duties generally.	19-4-1210. Revenues insufficient to meet appropriations.
19-4-1209. Compliance with other laws.	

19-4-1206. Duties generally.

- (a) The bonded disbursing officer for each state agency or the bonded disbursing officer for any regular or special fund provided for by the General Assembly shall be responsible and held accountable for the proper expenditure of the funds under his or her control.
- (b) It shall be the responsibility and duty of each disbursing officer or agent to:
- (1) Keep advised as to the availability of the appropriations and funds for which he or she is the disbursing officer and be informed as to the legality of and authority for any obligations which may be incurred before any disbursements are made;
 - (2) Keep advised as to the laws or administrative rules relating to general accounting procedures and restrictions for the disbursement of funds; and
 - (3) Certify that:
 - (A) Any disbursements which he or she may make are in accordance with the terms of any applicable contracts, purchasing procedure, or other authority;

(B) The services have been performed or the goods received; and

(C) The vendor or payee is entitled to the amount set forth in the check or voucher.

History. Acts 1973, No. 876, § 14; A.S.A. 1947, § 13-340; Acts 2019, No. 315, § 1728.

Amendments. The 2019 amendment substituted “rules” for “regulations” in (b)(2).

19-4-1209. Compliance with other laws.

The disbursement of funds authorized by the General Assembly shall be limited to the appropriations and the funds made available for the support of such appropriations. The restrictions of the Arkansas Procurement Law, § 19-11-201 et seq., the Uniform Classification and Compensation Act, § 21-5-201 et seq., the Revenue Stabilization Law, § 19-5-101 et seq., and rules promulgated by the Department of Finance and Administration authorized by law shall be strictly complied with in the disbursement of the funds.

History. Acts 1973, No. 876, § 14; A.S.A. 1947, § 13-340; Acts 2019, No. 315, § 1729.

Amendments. The 2019 amendment substituted “rules” for “regulations” in the second sentence.

19-4-1210. Revenues insufficient to meet appropriations.

(a) The disbursements of funds shall be subject to the controls of the procedures authorized by this subchapter, other acts of the General Assembly, and rules established by the Department of Finance and Administration.

(b) In the event that during any fiscal year the governmental revenues available to the state or a state agency are not sufficient to cover the appropriations made by the General Assembly from such revenues, then:

(1) The bonded disbursing officer for each agency shall be responsible and held accountable for the incurring of any obligations and disbursements of any funds in behalf of the agency for which he or she acts as disbursing officer. It shall be his or her duty to keep advised as to the amount of governmental revenues available for the operation of his or her agency. Each such disbursing officer is prohibited from incurring any obligations in excess of the funds made available by this chapter and other laws providing revenues for any such agency, and all such disbursing officers shall be subject to the restrictions and limitations of this chapter;

(2) The Chief Fiscal Officer of the State shall exercise the powers of his or her office to enforce the fiscal laws of the state to prohibit deficit spending and to promulgate rules which will require that all agencies comply with such fiscal laws. He or she may require, whenever he or she deems necessary, a financial report from any agency. If any such financial report or any other available information of any agency which has appropriated funds or an agency which has both state and bank funds shall reveal that the agency is in financial distress, then

he or she may direct that all of the funds of the agency, including any bank funds, shall be subject to approval under the provisions of this chapter;

(3) If during any year it is determined that the proposed disbursements exceed the amount approved for that year, then, upon direction of the Chief Fiscal Officer of the State, necessary reductions in proposed disbursements shall be made;

(4) If, in accomplishing the necessary reductions in disbursements, it shall be required to reduce the salaries of employees, the reductions shall be made in proportion to existing salaries, and the reductions shall be made in the salaries of all employees, including administrators and directors;

(5) The Chief Fiscal Officer of the State is directed to withhold all distributions of special and general revenues as prescribed in this chapter and in the Revenue Stabilization Law, § 19-5-101 et seq., at any time that a state agency fails to comply with the restrictive provisions of this chapter; and

(6) It is provided that the creditors of any agency shall have first consideration in connection with disbursement of the funds of the agency. If the funds of any agency become depleted to an extent that the creditors cannot be paid from funds on hand or which will become available during the same fiscal year, the Chief Fiscal Officer of the State shall direct the agency to stop incurring obligations until the funds on hand and the funds estimated to become available are sufficient to meet all such obligations.

History. Acts 1973, No. 876, § 14; A.S.A. 1947, § 13-340; Acts 2001, No. 1453, § 39; 2019, No. 315, §§ 1730, 1731.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (a) and the first sentence of (b)(2).

SUBCHAPTER 13 — MONITORING FOR DEFICIT SPENDING

SECTION.
19-4-1303. Exemptions.

19-4-1303. Exemptions.

Funds disbursed by the Arkansas Department of Transportation, the Arkansas State Game and Fish Commission, and the Office of the Arkansas Lottery and the funds appropriated in the general appropriation bill provided for in Arkansas Constitution, Article 5, § 30, shall be exempt from this subchapter.

History. Acts 1983, No. 781, § 6; A.S.A. 1947, § 13-379; Acts 2009, No. 605, § 17; 2009, No. 606, § 17; 2015, No. 218, § 16; 2017, No. 707, § 46.

Amendments. The 2017 amendment substituted “Department of Transportation” for “State Highway and Transportation Department”.

SUBCHAPTER 14 — CONSTRUCTION OF BUILDINGS AND FACILITIES

SECTION.

- 19-4-1402. Contracts to be filed.
- 19-4-1403. Agencies exempted.
- 19-4-1405. Bidding procedure — Definition.
- 19-4-1411. Processing of payments.
- 19-4-1412. Fund balances.

SECTION.

- 19-4-1413. Projects constructed with private funds.
- 19-4-1415. Projects exceeding five million dollars.
- 19-4-1416. Job order contracting — Definitions.

Effective Dates. Acts 2019, No. 82, § 23; July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the General Improvement Fund should no longer be utilized; that the Development and Enhancement Fund is necessary to complete unfinished state projects; and that this act is necessary to address infrastructure needs and unanticipated needs of the State of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this

act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-4-1402. Contracts to be filed.

(a) Executed counterparts of all contracts entered into by any state agency with respect to proposed projects for new improvements or major repairs or additions to existing buildings and facilities shall be approved by and filed with the Building Authority Division before the issuance of any vouchers making payments under the contract, unless the contract is exempted from the jurisdiction of the Building Authority Division by a law or a rule promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b)(1) The boards of trustees of the University of Arkansas, Arkansas State University, University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas University, respectively, are exempt from the requirements of this section requiring the filing of the contracts with the Building Authority Division.

(2) The governing boards of all other public institutions of higher education shall be exempt from the requirement for approval and filing of the contracts with the Building Authority Division:

(A) Upon approval of the Division of Higher Education; and

(B) If, prior to granting approval, the Division of Higher Education shall have reviewed and approved policies and procedures adopted by the governing boards of the public institutions of higher education with respect to bidding and construction of capital improvement projects.

(3) Nothing in this section shall prevent a public institution of higher education exempt under this subsection from entering into an agreement with the Building Authority Division to file its contracts with the Building Authority Division.

(c)(1) All contracts for new improvements or major repairs or additions to existing buildings and facilities under this subchapter shall include a project disclosure statement prepared by the agency, board, commission, or public institution of higher education.

(2) The disclosure statement shall provide the estimated timeline, scope, and cost of the total project.

(3) The disclosure statement shall not be construed as authorizing any:

(A) Additional work which is beyond the scope of the bid documents; or

(B) Payment exceeding the contract amount.

(d) Nothing in this section shall prohibit any agency, board, commission, or public institution of higher education from executing contract amendments.

History. Acts 1973, No. 876, § 22; 1977, No. 813, § 2; A.S.A. 1947, § 13-348; Acts 1997, No. 294, § 1; 2001, No. 214, § 1; 2001, No. 961, § 3; 2005, No. 2186, § 1; 2009, No. 193, §§ 1, 2; 2015 (1st Ex. Sess.), No. 7, § 10; 2015 (1st Ex. Sess.), No. 8, § 10; 2019, No. 910, § 2255.

Amendments. The 2019 amendment

substituted "Building Authority Division" for "division" in (a), (b)(1), (b)(2), and twice in (b)(3); deleted "of the Department of Finance and Administration" following "Building Authority Division" in (a); and substituted "Division of Higher Education" for "Department of Higher Education" in (b)(2)(A) and (B).

19-4-1403. Agencies exempted.

The provisions of this subchapter shall not be applicable to the State Highway Commission and the Arkansas Department of Transportation.

History. Acts 1973, No. 876, § 22; 1977, No. 813, § 2; A.S.A. 1947, § 13-348; Acts 2017, No. 707, § 47.

Amendments. The 2017 amendment

substituted "Department of Transportation" for "State Highway and Transportation Department".

19-4-1405. Bidding procedure — Definition.

(a)(1)(A) After a state agency has caused the preparation and has approved plans and specifications, it shall then proceed to advertise for bids for the contemplated work by the publication of notice one (1) time each week for not less than two (2) consecutive weeks for projects over the amount of fifty thousand dollars (\$50,000), and shall

proceed to advertise for bids one (1) time each week for not less than one (1) week for projects more than the quote bid and less than or equal to fifty thousand dollars (\$50,000).

(B)(i) This notice shall be published in a newspaper of general circulation published in the county in which the proposed improvements are to be made or in a trade journal reaching the construction industry.

(ii) The last insertion shall be not less than one (1) week prior to the date on which the bids are to be received.

(2) The notice shall:

(A) Provide for the receipt of sealed bids;

(B) Set forth the time and place in which the bids will be received;

(C) Specify from whom copies of the plans and specifications and a draft of the proposed contract may be obtained for examination;

(D) Contain the amount of the bid security; and

(E) Contain such other information and requirements as, in the opinion of the state agency, may be necessary or desirable.

(b)(1) On the date and time fixed in the notice, the state agency shall open, tabulate, and compare bids, and award the contract to the lowest responsible bidder.

(2) However, the state agency shall have the right to reject any or all bids and to waive any formalities.

(c)(1) The successful bidder shall be required to furnish bonds to the State of Arkansas, with corporate guaranty or indemnity sureties on the bonds.

(2)(A) The bonds shall be both for the completion of the construction free of all liens and encumbrances, in an amount fixed by the Building Authority Division, and for the protection of the state agency and its members against all liability for injury to persons or damage to, or loss of, property arising, or claimed to have arisen, in the course of the work project, within limits fixed by the division.

(B) However, for projects undertaken by public institutions of higher education, the bonds shall be in an amount and within limits fixed by the governing board of the public institution of higher education.

(d)(1)(A) Every bid submitted on state agency construction contracts for projects over the amount stated in § 22-9-203 is void unless accompanied by a cashier's check drawn upon a bank or trust company doing business in this state or by a corporate bid bond and the agent's power of attorney as his or her authority.

(B) Bid security is not required for projects under or equal to the amount stated in § 22-9-203.

(2) The bid security shall indemnify the public against failure of the contractor to execute and deliver the contract and necessary bonds for faithful performance of the contract.

(3) The bid security shall provide that the contractor or surety must pay the damage, loss, cost, and expense subject to the amount of the bid security directly arising out of the contractor's default in failing to execute and deliver the contract and bonds.

(4) Liability under this bid security shall be limited to five percent (5%) of the amount of the bid.

(e)(1)(A) When it is obvious from examination of the bid document that it was the intent of a bidder to submit a responsive bid and because of a scrivener's error, the bid, if accepted, would create a serious financial loss to the bidder, the Secretary of the Department of Transformation and Shared Services may relieve the bidder from responsibility under his or her bond and may reject the bid.

(B) However, for projects undertaken by public institutions of higher education exempt from review and approval of the division, the chief executive officer of the public institution of higher education or his or her designee may relieve the bidder from responsibility under his or her bond and may reject his or her bid in the same manner and within the same period as allowed by the division.

(2) As used in this section, "scrivener's error" means:

(A) An error in the calculation of a bid which can be documented by clear and convincing written evidence and which can be clearly shown by objective evidence drawn from inspection of the original work papers, documents, or materials used in the preparation of the bid sought to be withdrawn; and

(B) In the case of a bid sought to be withdrawn, the bid was submitted in good faith and the mistake was due to a calculation or clerical error, an inadvertent omission, or a typographical error as opposed to an error in judgment.

(3)(A) To receive relief under subdivision (e)(1) of this section, the bidder must serve written notice to the secretary or to the chief executive officer or his or her designee of a public institution of higher education exempt from review and approval of the division any time after the bid opening, but no later than seventy-two (72) hours after receiving the intent to award, excluding Saturdays, Sundays, and holidays.

(B) Failure to make a withdrawal request within seventy-two (72) hours shall constitute a waiver by the bidder of the bidder's right to claim that the mistake in his or her bid was a scrivener's error.

(4) In the event the secretary or the chief executive officer or his or her designee of a public institution of higher education exempt from review and approval of the division has relieved the bidder from responsibility under his or her bond, action on the remaining bids should be considered as though the withdrawn bid had not been received.

(f)(1) A state agency shall not require in plans or specifications that a bidder or supplier:

(A) Hold membership in any professional or industry associations, societies, trade groups, or similar organizations;

(B) Possess certification from any professional or industry associations, societies, trade groups, or similar organizations as steel building fabricators; or

(C) Be endorsed by any professional or industry associations, societies, trade groups, or similar organizations.

(2) However, plans and specifications may include or reference standards adopted by professional or industry associations, societies, trade groups, or similar organizations.

History. Acts 1973, No. 876, § 22; 1985, No. 365, § 11; A.S.A. 1947, § 13-348; Acts 1987, No. 758, § 1; 1995, No. 1319, § 1; 1997, No. 1193, § 2; 1999, No. 219, § 2; 2001, No. 214, §§ 2, 3; 2001, No. 961, §§ 4, 5; 2003, No. 364, §§ 4, 19; 2005, No. 859, § 1; 2009, No. 193, §§ 3, 4; 2019, No. 658, § 2; 2019, No. 910, §§ 3454-3456, 6083.

Amendments. The 2019 amendment by No. 658 substituted “stated in § 22-9-203” for “of twenty thousand dollars

(\$20,000)” in (d)(1)(A) and (d)(1)(B); and made stylistic changes.

The 2019 amendment by No. 910 deleted “of the Department of Finance and Administration” following “Building Authority Division” in (c)(2)(A); substituted “Secretary of the Department of Transformation and Shared Services” for “Director of the Department of Finance and Administration” in (e)(1)(A); and substituted “secretary” for “director” in (e)(3)(A) and (e)(4).

19-4-1411. Processing of payments.

(a)(1) When a contractor submits a properly prepared request for payment of work completed on state construction projects and the request for payment conforms with the provisions of the contract award and laws of the State of Arkansas, the following maximum time is allowed for the processing of the payment requests by the various parties involved, excluding time required for transmittal from one (1) party to another:

(A) A design professional — five (5) working days;

(B) A state agency or institution of higher education exempt from review and approval by the Building Authority Division — five (5) working days, including preparation of a voucher and submission for payment; and

(C) The Department of Finance and Administration — five (5) working days.

(2) Should payment be contested by any of the parties listed in this subsection, it shall be the responsibility of the parties contesting the payment, within the time specified for processing payment, to notify the contractor involved that payment has been contested and reasons therefor.

(3) Should any of the parties listed in this subsection fail to properly process uncontested requests for payments within the time limits specified following date of receipt, a penalty of eight percent (8%) per annum of the amount of the request for payment shall be assessed against the parties responsible for the delay.

(b)(1) The Chief Fiscal Officer of the State shall establish procedures for monitoring payments to contractors. When it has been determined that payment processing has exceeded the time limits established in this section, the Chief Fiscal Officer of the State shall cause an investigation to be made for the purpose of determining the responsible parties and the amount of penalty to be paid.

(2) Penalties assessed for failure to comply with the provisions in this section shall be paid to the contractor by the parties responsible in

accordance with procedures established by the Chief Fiscal Officer of the State.

History. Acts 1973, No. 876, § 22; 1977, No. 813, § 3; 1979, No. 833, § 9; A.S.A. 1947, § 13-348; Acts 2001, No. 214, § 4; 2001, No. 961, § 6; 2003, No. 364, § 6; 2019, No. 910, § 6084.

Amendments. The 2019 amendment deleted “of the Department of Finance and Administration” following “Building Authority Division” in (a)(1)(B).

19-4-1412. Fund balances.

(a) If, after the expiration date of the second biennial period for which funds have been appropriated for the benefit of any specific capital improvement project, there remains a balance of funds or appropriations, then such fund balances as may remain in the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, for the benefit of the capital improvement project shall be reallocated for the benefit of proposed new or existing capital improvement projects of the various state agencies as may be enacted.

(b) Nothing in this section shall be construed as to limit the authority of the General Assembly to appropriate funds for the benefit of any proposed new or existing capital improvement project of the various state agencies.

History. Acts 1973, No. 876, § 22; 1977, No. 641, § 1; A.S.A. 1947, § 13-348; Acts 2019, No. 82, § 7.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2019 amendment inserted “or its successor fund or fund accounts, including the Development and Enhancement Fund” in (a).

19-4-1413. Projects constructed with private funds.

(a) In the event funds from private sources are provided to a public institution of higher education for projects which exceed five million dollars (\$5,000,000) regulated in this subchapter sufficient to finance at least eighty percent (80%) of the estimated cost of the proposed project, excluding the cost of land, the provisions of this subchapter and of all other provisions of the Arkansas Code governing construction of public facilities, including, but not limited to, the provisions of §§ 22-9-101 and 22-9-103 and §§ 22-9-201 — 22-9-212, shall not be applicable to such projects, subject to the following:

(1)(A)(i) The governing board of the public institution of higher education shall have adopted a resolution and procedure setting forth the method by which the architect, engineer, construction manager, contractor, and major subcontractors are to be selected for the project.

(ii) The procedure shall include by appropriate public notice and solicitation the opportunity for qualified, licensed professionals to submit proposals and shall assure the design and completion of the project in an expeditious manner while adhering to high standards of design and construction quality.

(iii) Such procedures shall require a payment and performance bond in an amount determined by the governing board and shall provide for the manner in which the construction shall be managed and supervised.

(B) In selecting a contractor and other professionals for the projects, the governing board shall consider the experience of the person or firm in constructing similar projects, the record of the person or firm in timely completion of such projects, and other similar matters to assure that the person or firm will complete the project within the time and to the specifications set by the governing board;

(2)(A) Before the public institution of higher education shall enter into a contract with an architect, engineer, construction manager, or contractor for the design, construction, or financing of any project financed from private funds as provided in this section, it shall submit to the Chief Fiscal Officer of the State and the Legislative Council, in writing, a summary statement setting forth a general description of the proposed project, its estimated overall cost, and the method proposed to finance the cost, including a description of the sources and amount of private funds.

(B) The Chief Fiscal Officer of the State may forward a copy of this statement to the Building Authority Division, the Secretary of the Department of Transformation and Shared Services, and the Governor for information; and

(3) To enable a public institution of higher education to qualify under this subsection, the private funds shall be paid to the public institution of higher education or to a fund or foundation for the benefit of the public institution of higher education, and such funds may be represented in whole or in part by a written pledge or commitment from a donor, provided that the public institution of higher education shall assure itself of the financial stability of such donor to fulfill the pledge or commitment.

(b) Notwithstanding anything in this section to the contrary, the provisions of § 19-4-1405(f), § 22-9-301 et seq. [repealed], §§ 22-9-401 — 22-9-404, § 22-9-501 et seq., § 22-9-601 et seq., and § 22-9-701 et seq. shall remain in full force and effect and shall not be affected by this section.

History. Acts 1997, No. 961, § 1; 2005, No. 859, § 2; 2019, No. 910, § 6085.

Amendments. The 2019 amendment substituted “the Secretary of the Department of Transformation and Shared Services” for “of the Department of Finance and Administration” in (a)(2)(B).

19-4-1415. Projects exceeding five million dollars.

(a) In the event funds from any sources are provided to state agencies for projects which exceed five million dollars (\$5,000,000), excluding the cost of land, the provisions of this subchapter and all other provisions of the Arkansas Code governing construction of public facilities, including, but not limited to, the provisions of § 22-9-201 et seq., at the election of state agencies or the institutions of higher education set forth in subdivision (b)(5) of this section shall not be applicable to the projects if the selection and contracting process set forth in this section is followed.

(b)(1) No contract for projects between the state agency and the construction manager, general contractor, architect, or engineer shall be entered into without first obtaining approval of the Building Authority Division and review by the Legislative Council.

(2) The division shall have involvement in the selection and contract process from the project inception.

(3) There shall be separate contracts for design and construction services.

(4) The division shall have the authority to promulgate rules pertaining to the process for awarding and overseeing the contracts.

(5) The Board of Trustees of the University of Arkansas and the Board of Trustees of Arkansas State University shall be exempt from review and approval by the division and any rules promulgated by it, provided that the Board of Trustees of the University of Arkansas and the Board of Trustees of Arkansas State University have adopted policies and procedures involving the awarding and oversight of the contracts for design and construction services.

(6) All procedures pertaining to the contracts shall provide, to the extent practicable, substantial uniformity between these institutions with respect to the policies and procedures to be followed.

(c)(1) For all projects contemplated or contracted for, the division shall:

(A) Review and approve the advertisement as stated in subsection (d) of this section, the scope of work, the site selection, funding review, and, to the extent available, all project drawings, plans, and specifications prior to any solicitation of proposals for the project;

(B) Conduct on-site observations of the construction project on a regular basis and maintain project records; and

(C)(i) Review and approve all contract amendments.

(ii) State agencies shall submit a summary of all contract amendments to the Legislative Council.

(2)(A) The institutions of higher education stated in subdivision (b)(5) of this section shall perform all duties and responsibilities stated in subdivision (c)(1) of this section under policies and procedures adopted by their governing boards.

(B) They shall submit a summary of all contract amendments to the Legislative Council.

(d)(1) The selection procedures for the construction manager, general contractor, architect, or engineer shall provide for solicitation for qualified, licensed professionals to submit proposals.

(2) The procedures shall assure the design and completion of the project in an expeditious manner while adhering to high standards of design and construction quality.

(3) The state agency and each institution of higher education stated in subdivision (b)(5) of this section shall:

(A) Publish notice of its intention to receive written proposals three (3) consecutive days in a newspaper of statewide distribution;

(B) Allow a minimum of ten (10) working days for the professionals to send letters or resumes in response to newspaper advertisement; and

(C) Provide additional means of notification, if any, as the state agency or institution of higher education stated in subdivision (b)(5) of this section shall determine is appropriate.

(e)(1)(A) A preselection committee, which shall be composed of no more than three (3) members from the state agency and two (2) members from the division, shall review the proposals.

(B) A preselection committee for institutions of higher education stated in subdivision (b)(5) of this section shall consist of at least three (3) members as determined by each of the institutions, and the members may be from the division.

(C) The preselection committee shall select a maximum of five (5) applicants and schedule interviews.

(D) The state agency or an institution of higher education as stated in subdivision (b)(5) of this section shall notify the finalists of their status.

(2)(A) The final selection committee shall be composed of the three (3) members from the state agency on the preselection committee.

(B) The final interviews shall be held at the time and date as designated by the final selection committee.

(C) Representatives of the division may attend the final selection meeting, but shall not vote in the final selection process.

(D) The final selection committee for institutions of higher education stated in subdivision (b)(5) of this section shall consist of at least three (3) members as determined by each of the institutions.

(E) Members of a preselection committee may also serve as members of the final selection committee of the institutions.

(F) In selecting a general contractor, construction manager, architect, or engineer, the state agency or institution of higher education as stated in subdivision (b)(5) of this section shall consider its established criteria which shall include, but are not limited to, the following:

(i) The experience of the professional or professionals in similar projects;

(ii) The record of the professional or professionals in timely completion of the projects with high quality workmanship; and

(iii) Other similar matters to determine that the professional or professionals will complete the project within the time and budget and to the specifications set by the state agency or institution of higher education as stated in subdivision (b)(5) of this section.

(3)(A) The final selection committee shall select or make a formal recommendation to its governing body of the professional or professionals which it determines to be in the best interest of the state.

(B) Contracts for architectural, engineering, and land surveying professional consultant services shall be negotiated on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable prices without the use of competitive bidding, and no rule shall inhibit the agency's authority to negotiate fees for the services.

(C) The final selection committee for the institutions of higher education as stated in subdivision (b)(5) of this section shall make a recommendation to its governing board or appropriate committee thereof of the professional or professionals which it determines to be in the best interest of the institution, and the governing board shall make the final decision and authorize the contract or contracts to be negotiated and awarded, unless it has delegated the action to a committee of the board.

(f)(1) Construction contracts for the projects shall not be entered into without a payment and performance bond in the amount of the contract and any amendments thereto and shall provide for the manner in which the construction shall be managed and supervised.

(2) All project architects and engineers shall be properly licensed in accordance with the Arkansas State Board of Architects, Landscape Architects, and Interior Designers and the State Board of Licensure for Professional Engineers and Professional Surveyors.

(3) The construction manager or general contractor shall be properly licensed by the Contractors Licensing Board.

(4)(A) All subcontractors on the project shall be properly licensed by the Contractors Licensing Board.

(B) Any person who is not considered a contractor under § 17-25-101 et seq. may continue to perform subcontracting work under the provisions of this subchapter.

(g)(1) To enable a state agency or an institution of higher education as stated in subdivision (b)(5) of this section to qualify under this section, the funds shall be paid to or for the benefit of the state agency or institution of higher education, or to a fund or foundation for the benefit of the state agency or institution of higher education.

(2) The funds may be represented in whole or in part by a written pledge or commitment from a donor, provided that the state agency or institution of higher education shall assure itself of the financial stability of the donor to fulfill the pledge or commitment.

(h) All projects constructed pursuant to this section, to the extent applicable, shall be in accordance and compliance with:

(1) Section 17-38-101 et seq., regulating plumbers;

(2) Section 17-33-101 et seq., regulating the heating, ventilation, air conditioning, and refrigeration industry;

(3) The Fire Prevention Act, § 12-13-101 et seq.;

(4) Section 12-80-101 et seq., regarding earthquake resistant design for public structures;

(5) Americans with Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A, adopted by the division; and

(6)(A) The minimum standards of the division and criteria pertaining to projects constructed under this section.

(B)(i) However, institutions of higher education as stated in subdivision (b)(5) of this section shall be exempt from these standards and criteria, provided that the institutions shall have adopted policies and procedures involving the awarding and oversight of contracts for projects under this section.

(ii) It is the intention of this section that all procedures adopted by these institutions pertaining to the contracts shall provide, to the extent practicable, substantial uniformity between these institutions with respect to the policies and procedures to be followed.

(iii) Notwithstanding anything in this subsection to the contrary, the provisions of § 19-4-1405(f), §§ 19-4-1413, 19-11-801, 22-9-101, 22-9-103, 22-9-104, 22-9-212, 22-9-213, § 22-9-301 et seq. [repealed], § 22-9-401 et seq., § 22-9-501 et seq., § 22-9-601 et seq., and § 22-9-701 et seq. shall remain in full force and effect and shall not be affected by this section.

History. Acts 2001, No. 1626, § 1; 2003, No. 364, § 7; 2003, No. 1315, § 2; 2005, No. 859, § 3; 2009, No. 193, § 5; 2009, No. 605, § 18; 2009, No. 606, § 18; 2009, No. 1405, § 26; 2015, No. 218, § 17; 2015 (1st Ex. Sess.), No. 7, §§ 11-13; 2015 (1st Ex. Sess.), No. 8, §§ 11-13; 2019, No. 315, §§ 1732, 1733; 2019, No. 910, § 6086.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (b)(4); substituted “rules” for “regulations” in (b)(5); and deleted “or regulation” following “rule” in (e)(3)(B).

The 2019 amendment by No. 910 deleted “of the Department of Finance and Administration” following “Building Authority Division” in (b)(1).

19-4-1416. Job order contracting — Definitions.

(a) As used in this section:

(1) “Job order contracting” means the acquisition of contracting services using a selection method that requires contractors to submit qualifications and prices based on wage rates inclusive of fringes and burden, plus a pricing matrix for markups on materials and subcontractors; and

(2)(A) “On-call contracting” means the ability of the state agency or institution of higher education to continue to call upon the successful bidder to conduct additional construction services as required by the state agency or institution of higher education.

(B) The contractor shall be required to bid all subcontractor work, and the state agency or the institution of higher education shall

receive and open the bids with the contractor present at the bid opening date.

(b) The state agency or the institution of higher education may supply all materials for the work with no additional markup if the materials may be purchased off state contracts at a lesser price than the contractor would be able to procure.

(c)(1)(A) After a state agency or institution of higher education has prepared appropriate scope documents and achieved appropriate reviews, it shall advertise for bids and award and file contracts for the contemplated work as identified in §§ 19-4-1401 — 19-4-1405.

(B) Additional work may be awarded based upon the initial bid within the fiscal year.

(2)(A) The bidder may not submit a multiplier representing estimated cost inflation as part of the formal bid process.

(B) The bid will represent the fixed price amount for the fiscal year.

(3) The most qualified bidder offering the best value for the state agency or the institution of higher education shall be selected to perform the construction services identified in the construction specifications.

(d)(1) Job order contracting bid awards:

(A) Shall not extend beyond one (1) fiscal year; and

(B) Shall not exceed:

(i) Seven hundred fifty thousand dollars (\$750,000) per construction job for the first year of the contract for state agencies and institutions of higher education with education and general appropriations beginning in the 2009 fiscal year and each fiscal year thereafter equal or exceeding ten million dollars (\$10,000,000); and

(ii) One hundred thousand dollars (\$100,000) per construction job for state agencies or institutions of higher education with education and general appropriations beginning in the 2009 fiscal year and each fiscal year thereafter of less than ten million dollars (\$10,000,000).

(2) However, reasonable extensions may be granted at the beginning of each new fiscal year not to exceed a total of four (4) years, if:

(A) The price remains mutually agreeable to the state agency or the institution of higher education and the contractor; and

(B) The quality of the work is satisfactory to the state agency or the institution of higher education.

(3) On or before the four-year threshold, the state agency or the institution of higher education shall bid the construction service to assure competitive opportunities and lowest cost circumstances.

(e)(1) Executed counterparts of a contract entered into by a state agency with respect to job order projects shall be approved by and filed with the Building Authority Division before the issuance of any vouchers making payments under the contract.

(2)(A) The boards of trustees of the University of Arkansas, Arkansas State University, University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas Uni-

versity are exempt from the requirements of this section regarding the approval and filing of the contracts with the Building Authority Division.

(B)(i) With the exception of those boards of trustees listed in subdivision (e)(2)(A) of this section, the governing board of a public institution of higher education is exempt from filing the contracts with the Building Authority Division if it receives the approval of the Division of Higher Education.

(ii) Before granting approval, the Division of Higher Education shall review and approve the policies and procedures regarding bidding and construction of capital improvement projects as adopted by the governing board of the public institution of higher education.

(3) A public institution of higher education that is exempt under this section may enter into an agreement with the Building Authority Division to file its contracts with the Building Authority Division.

History. Acts 2003, No. 1476, § 1; 2009, No. 193, § 6; 2009, No. 206, § 1; 2013, No. 526, § 1; Acts 2019, No. 910, § 2256.

Amendments. The 2019 amendment substituted “Building Authority Division” for “division” in (e)(2)(A), (e)(2)(B)(i), and twice in (e)(3); deleted “of the Department

of Finance and Administration” following “Building Authority Division” in (e)(1); substituted “Division of Higher Education” for “Department of Higher Education” in (e)(2)(B)(i); and substituted “Division of Higher Education” for “department” in (e)(2)(B)(ii).

SUBCHAPTER 15 — PROPERTY AND EQUIPMENT INVENTORY

SECTION.

19-4-1501. Uniform system of perpetual inventory.

19-4-1501. Uniform system of perpetual inventory.

The Chief Fiscal Officer of the State shall prescribe and establish a uniform system of perpetual inventory for property and equipment with a central control being established and maintained in the department. In connection therewith, the Chief Fiscal Officer of the State shall:

(1) Prescribe the procedure of accounting and reporting for the sale, trade-in, exchange, discarding, junking, or other disposal of property and equipment and the system for receiving credit for lost, stolen, or damaged property and equipment. All state agencies shall be required to report promptly, upon forms approved by the Chief Fiscal Officer of the State, all such property or equipment disposed of, lost, or damaged;

(2) Require that the addition and disposition of all new property or equipment added, including purchase, trade-in, exchange, or transfer, or by constructing or making such property or equipment, shall be promptly reported upon such forms and in such detail as shall be required; and

(3) By rule, distinguish between items of equipment, and consumable supplies or goods, and such minor tools, materials, and parts as shall be deemed by him or her to be expendable within a reasonable

period of time. He or she may also prescribe that minor equipment costing less than some minimum amount shall not be included in the perpetual inventory.

History. Acts 1973, No. 876, § 26; A.S.A. 1947, § 13-352; Acts 2001, No. 1453, § 42; 2019, No. 315, § 1734.

Amendments. The 2019 amendment substituted “rule” for “regulation” in the first sentence of (3).

SUBCHAPTER 16 — SALARIES AND PAYROLL DISBURSEMENT

SECTION.	SECTION.
19-4-1601. Regular Salary Procedures and Restrictions Act.	19-4-1606. Review of payroll required.
19-4-1602. Payroll deductions.	19-4-1607. Monthly, biweekly, weekly, and hourly salaries.
19-4-1603. Procedures for position control.	19-4-1610. Retroactive pay prohibited.
19-4-1604. Salary from two agencies.	19-4-1612. Overtime pay.

Effective Dates. Acts 2017, No. 365, § 29: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the fiscal year for employees begins on July 1 of every year and that the implementation of the Uniform Classification and Compensation Act is necessary to ensure the continued services and operations of the state. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Acts 2017, No. 599, § 5: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the fiscal year for employees of institutions of higher education begins annually on July 1; and that the implementation of the Higher Education Uniform Classification and Compensation Act is necessary to ensure the continued services and operations of the state. Therefore, an emergency is declared to exist, and this act

being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-4-1601. Regular Salary Procedures and Restrictions Act.

(a) This section and § 21-5-101 shall be known as and may be cited as the “Regular Salary Procedures and Restrictions Act”.

(b) Arkansas Constitution, Article 16, § 4, provides: “Except as provided in Arkansas Constitution, Article 19, § 31, the General

Assembly shall fix the salaries and fees of all officers in the State; and no greater salary or fee than that fixed by law shall be paid to any officer, employee, or other person, or at any rate other than par value; and the number and salaries of the clerks and employees of the different departments of the State shall be fixed by law." Therefore, the following provisions shall be applicable to all authorized regular salary positions in appropriation acts unless specific exception is made otherwise by law:

(1) For any position authorized by the General Assembly for the benefit of any department, agency, board, commission, institution, or program for which the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., are to be applicable, it is declared to be the intent of the General Assembly that the Uniform Classification and Compensation Act, § 21-5-201 et seq., shall govern with respect to:

(A) The entrance pay level;

(B) The procedures by which salary increases may be granted; and

(C) The maximum pay level that may be paid for the grade assigned each employee under the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq.;

(2) For any position authorized by the General Assembly for the benefit of any department, agency, board, commission, institution, or program for which a maximum pay level is set out in dollars, it is the intent of the General Assembly that the position is to be paid at a rate of pay not to exceed the maximum established for the position during any one (1) fiscal year and that the maximum pay level authorized is for full-time employment;

(3)(A) For all positions authorized by the General Assembly for any department, agency, board, commission, institution, or program, it is the intent of the General Assembly that in determining the annual salaries of these employees, the administrative head of the department, agency, board, commission, institution, or program shall take into consideration ability of the employee and length of service.

(B) It is not the intent of the General Assembly that the maximum pay level as authorized in the appropriation act, or any increases established for the various grades under the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., be paid unless the qualifications are complied with and then only within the limitations of the appropriations and funds available for this purpose.

(C) An employee authorized by the General Assembly shall not receive from appropriated or cash funds, either from state, federal, or other sources, compensation in an amount greater than that established by the General Assembly as the maximum pay level for the employee unless specific provisions are made therefor by law; and

(4) An employee of the State of Arkansas shall not be paid any additional cash allowances, including without limitation uniform allowance, clothing allowance, motor vehicle depreciation or replacement allowance, fixed transportation allowance, and meals and lodging

allowance, other than for reimbursement for costs actually incurred by the employee unless the allowances are specifically set out by law as to eligibility of employees to receive the allowances, and the maximum amount of the allowances is established by law for each employee or for each class of employee eligible to receive the allowances.

History. Acts 1973, No. 876, § 23; A.S.A. 1947, § 13-349; Acts 2017, No. 365, § 3; 2019, No. 388, § 2.

Amendments. The 2017 amendment substituted “pay level” for “annual salary” and “annual salaries” throughout (b); substituted “pay level” for “salary step” in (b)(1)(A); substituted “The procedures by which salary” for “The frequency with which step” in (b)(1)(B); and substituted “step increases” for “any increases” in (b)(3)(B).

The 2019 amendment inserted “and § 21-5-101” in (a); in the introductory language of (b), substituted “Except as provided in Arkansas Constitution, Article 19, § 31” for “that”, substituted

“State, and” for “state, that”, and deleted “that” preceding “the number”; in (b)(1), (b)(2), and twice in (b)(3)(A), inserted “department” and inserted “board, commission, institution”; substituted “the Uniform Classification and Compensation Act, § 21-5-201 et seq.” for “these statutes” in (b)(1)(C); added “and that the maximum pay level authorized is for full-time employment” in (b)(2); in (b)(3)(C) and (b)(4), substituted “An” for “No”, and inserted “not”; and, in (b)(4), substituted “without limitation” for “but not limited to”, substituted “the allowances” for “allowance” following “receive”, and substituted “is established” for “are established”; and made stylistic changes.

19-4-1602. Payroll deductions.

(a) Deductions from the payrolls of state employees, both regular and extra help, are authorized only for the following purposes:

- (1) Withholding taxes;
- (2) Social Security contributions;
- (3) Contributions to any state retirement system or approved plan of deferred compensation;
- (4)(A) Group or individual hospital, medical, and life insurance deductions.

(B) However, any payroll deductions through the Arkansas state mechanized payroll system for state employees for coverages other than the state-authorized plan shall be approved by the State and Public School Life and Health Insurance Board;

- (5) Payments to state employees’ credit unions;
- (6) Value of maintenance perquisites;
- (7) Payment of union dues, when requested in writing by state employees;
- (8) Purchase of United States Government savings bonds;
- (9) Arkansas State Employees Association dues, when requested in writing by those state employees;
- (10) Fees for participation in the State Employees Benefit Corporation, when requested in writing by those state employees;
- (11) Contributions to a major federated fund-raising organization, when authorized by those state employees;
- (12) Arkansas State Police Association dues, when authorized in writing by those state employees;

(13) Fraternal Order of Police dues, when requested in writing by those state employees;

(14) Central Arkansas State Troopers Coalition dues, when authorized in writing by those state employees;

(15) Arkansas Rehabilitation Association dues, when authorized in writing by those state employees;

(16) Correctional Peace Officers Foundation dues, when authorized in writing by those state employees;

(17) Department of Correction Employees Association dues, when requested in writing by those employees;

(18) American Association of University Professors dues, when requested in writing by those employees;

(19) Arkansas Association of Correctional Employees Trust dues, when requested in writing by those employees;

(20) Division of Correction Bus Pool dues, when requested in writing by those employees;

(21)(A) Arkansas Tax-Deferred Tuition Savings Program under the Arkansas Tax-Deferred Tuition Savings Program Act, § 6-84-101 et seq., or a tax-deferred savings program established by another state under 26 U.S.C. § 529, as it existed on January 1, 2007.

(B) The tax-deferred savings plan must be in existence at the time the payroll deduction request is made.

(C) The state employee shall provide information on his or her Arkansas Tax-Deferred Tuition Savings Program account to the Department of Finance and Administration so that the payroll deduction can be credited to the appropriate account; and

(22) For such other purposes as are specifically authorized by law but not enumerated in this subsection.

(b) If a state employee authorizes in writing the payroll deduction of dues of any union or professional association representing the employee, the agency shall deduct the dues from the payroll of the employee and remit the dues to the organization.

(c) Deductions authorized by this section shall be made in compliance with rules and procedures established by the Secretary of the Department of Transformation and Shared Services.

History. Acts 1973, No. 876, § 23; 1975, No. 881, § 1; 1981, No. 251, § 1; 1983, No. 164, § 1; A.S.A. 1947, § 13-349; Acts 1987, No. 18, § 1; 1987, No. 646, § 3; 1989, No. 506, § 1; 1995, No. 1122, § 1; 1997, No. 747, § 1; 2001, No. 166, § 1; 2003, No. 1795, § 1; 2009, No. 368, § 1; 2011, No. 702, § 1; 2015, No. 1053, § 1; 2019, No. 315, § 1735; 2019, No. 910, §§ 976, 6087.

Amendments. The 2019 amendment by No. 315 deleted “regulations” following “rules” in (c).

The 2019 amendment by No. 910 substituted “Division of Correction” for “Department of Correction” in (a)(20); and substituted “Secretary of the Department of Transformation and Shared Services” for “Chief Fiscal Officer of the State” in (c).

19-4-1603. Procedures for position control.

(a) The Secretary of the Department of Transformation and Shared Services shall establish procedures for exercising position control applicable to those state agencies subject to the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq.

(b) Exercising position control shall be interpreted as follows:

(1) The secretary shall assign a position control number to each line-item position authorized for the applicable agencies;

(2) The secretary shall establish reporting procedures so that agencies shall provide complete reports to the Department of Finance and Administration on the use of all authorized positions; and

(3) The secretary may restrict an agency's use of authorized positions only after finding that the agency is in financial difficulty and after invoking the fiscal controls provided in § 19-4-701 et seq. and § 19-4-1201 et seq.

History. Acts 1973, No. 876, § 23; A.S.A. 1947, § 13-349; Acts 2019, No. 910, § 6088.

substituted "Secretary of the Department of Transformation and Shared Services" for "Chief Fiscal Officer of the State" throughout the section.

Amendments. The 2019 amendment

19-4-1604. Salary from two agencies.

(a) Except as provided in subsections (b) and (c) of this section, no person drawing a salary or other compensation from one state agency shall be paid salary or compensation, other than actual expenses, from any other state agency except upon written certification to and approval by the Secretary of the Department of Transformation and Shared Services and by the head of each state agency, stating that:

(1) The work performed for the other state agency does not interfere with the proper and required performance of the person's duties; and

(2) The combined salary payments from the state agencies do not exceed the larger maximum annual salary of the line-item position authorized for either state agency from which the employee is being paid.

(b)(1) This section does not prohibit a state employee from contracting to temporarily teach as adjunct faculty at a state-supported institution of higher education and thereby receive combined salary payments from the two (2) state agencies in excess of the larger maximum annual salary of the line-item position authorized from either state agency.

(2)(A) This section does not prohibit a part-time or job-share public defender from receiving compensation from an appellate court for work performed in connection with an indigent client's appeal to the Supreme Court or the Court of Appeals.

(B) A person employed as a full-time public defender who is not provided a state-funded secretary may also seek compensation for appellate work from the Supreme Court or the Court of Appeals.

(3) This section does not allow an employee to be on paid sick leave with a state agency and to be paid a salary or compensation from another state agency.

(c) A person drawing a salary or other compensation from a state agency or institution of higher education shall not be paid a salary or compensation from another institution of higher education except upon the written certification to and approval by the Director of the Division of Higher Education that the:

(1) Work performed for the other state agency or institution of higher education does not interfere with the proper and required performance of the person's duties; and

(2) Combined salary payments from the state agency and institution of higher education do not exceed the larger maximum annual salary of the line-item position authorized for either the agency or institution of higher education from which the employee is being paid.

History. Acts 1973, No. 876, § 23; A.S.A. 1947, § 13-349; Acts 1995, No. 403, § 1; 2001, No. 1370, § 1; 2005, No. 1189, § 1; 2017, No. 599, § 2; 2019, No. 910, §§ 2257, 6089, 6090.

Amendments. The 2017 amendment substituted "subsections (b) and (c)" for "subsection (b)" in (a); substituted "indi-

gent client's" for "indigent's" in (b)(2)(A); and added (c).

The 2019 amendment substituted "Secretary of the Department of Transformation and Shared Services" for "Chief Fiscal Officer of the State" in (a); and substituted "Division of Higher Education" for "Department of Higher Education" in (c).

19-4-1606. Review of payroll required.

(a) The Department of Transformation and Shared Services shall review the payroll of state agencies covered by the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., with respect to the salaries of all employees of affected state agencies. This review shall determine the correctness of each payroll with respect to each position to assure compliance with the compensation plan and to assure that no position is being paid, during any payroll period, an amount greater than authorized in the compensation plan or the amount authorized for the position in the appropriation act applicable to the agency.

(b) Any proposed rate of pay for an employee found not to be in accordance with the provisions of the compensation act and the appropriation act governing the agency shall be changed to the appropriate rate of pay by the state agency covered by the provisions of the compensation act before the department shall approve it for payment.

(c) No payment of salary of any employee of any state agency affected by the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., shall be made without the certification of correctness by the department based on its review duties as provided in this section.

(d) The department is authorized to develop and implement rules and procedures to accomplish the purposes authorized in this section.

History. Acts 1969, No. 199, § 8; A.S.A. 1947, § 12-3208; Acts 2001, No. 1453, § 43; 2019, No. 910, § 6091.

Amendments. The 2019 amendment

substituted “Department of Transformation and Shared Services” for “Department of Finance and Administration” in the first sentence of (a).

19-4-1607. Monthly, biweekly, weekly, and hourly salaries.

(a)(1) Except for those state agencies which operate principally on a scholastic year, or on a part-time basis, or where such salaries or personal services are specifically established for a period less than one (1) year, all salaries established by the General Assembly shall be considered to be a maximum amount to be paid for a twelve-month payroll period. No greater amount than that established for the maximum annual salary of any state official or employee shall be paid to such employee during any such twelve-month payroll period, nor shall more than one-twelfth ($1/12$) of such annual salary be paid to any such employee during any calendar month unless authorized in this subchapter.

(2) The limitations set out in this section may be converted to biweekly or weekly increments of one-twenty-sixth ($1/26$) or one-fifty-second ($1/52$) of the maximum annual salary.

(3) For complying with federal requirements, upon approval of the Secretary of the Department of Transformation and Shared Services in consultation with the Chief Fiscal Officer of the State, the maximum annual salaries may be converted to hourly rates of pay for positions established on the basis of twelve (12) months or less if authorized by law.

(b) The remuneration paid to an employee of the state may exceed the maximum annual salary as authorized by the General Assembly as follows, and the following shall not be construed as payment for services or as salary as contemplated by Arkansas Constitution, Article 16, § 4:

(1) Overtime payments as authorized by law;

(2) Payment of a lump sum to a terminating employee, to include lump-sum payments of sick leave balances upon retirement as provided by law;

(3) Payment for overlapping pay periods at the end of a fiscal year as defined or authorized by law;

(4) Payment for the biweekly twenty-seven (27) pay periods;

(5) Payment for career service recognition as authorized by law; and

(6) Payment in accordance with special language salary provisions in individual agency appropriation acts.

History. Acts 1973, No. 876, § 23; 1975, No. 980, § 1; 1980 (1st Ex. Sess.), No. 36, § 1; 1980 (1st Ex. Sess.), No. 62, § 1; 1985, No. 637, § 1; A.S.A. 1947, § 13-349; Acts 2001, No. 1453, § 44; 2017, No. 365, § 4; 2019, No. 910, § 6092.

Amendments. The 2017 amendment

deleted former (b)(6); redesignated former (b)(7) as present (b)(6); and made a related change.

The 2019 amendment inserted “Secretary of the Department of Transformation and Shared Services in consultation with the” in (a)(3).

19-4-1610. Retroactive pay prohibited.

(a)(1) In the event that a state employee is being paid less than the maximum provided for by law, and thereafter the head of the agency provides for an increase in the rate of pay for the employee, the rate of pay shall not exceed one-twelfth (1/12) of the annual maximum amount of the salary position on which he or she is placed, for the remainder of the annual period.

(2) Payments under subdivision (a)(1) of this section shall not be made for a preceding fiscal year.

(b)(1) No increase in the rate of pay, either by paying the full amount of the maximum salary or by placing an employee in a position calling for a greater salary, shall be construed as authorizing the payment of any retroactive salary to the employee.

(2) Payments under subdivision (b)(1) of this section shall not be made for a preceding fiscal year.

(c)(1) Salary payments made to correct an administrative error shall not be considered retroactive pay, nor shall such payment be construed as exceeding the employee's maximum authorized pay.

(2) Payments under subdivision (c)(1) of this section may be made for a preceding fiscal year if:

(A) Requested within twelve (12) months of the end of the preceding fiscal year; and

(B) Upon the consent of the Secretary of the Department of Transformation and Shared Services in consultation with the Chief Fiscal Officer of the State.

History. Acts 1973, No. 876, § 23; 1981, No. 741, § 4; A.S.A. 1947, § 13-349; Acts 1989, No. 629, § 10; 2003, No. 656, § 8; 2019, No. 910, § 6093.

Amendments. The 2019 amendment inserted "Secretary of the Department of Transformation and Shared Services in consultation with the" in (c)(2)(B).

19-4-1612. Overtime pay.

(a) It is the policy of the State of Arkansas that overtime pay for state employees is the least desirable method of compensation for overtime work.

(b)(1) All state departments, agencies, boards, commissions, and institutions may pay overtime to their employees, under the rules and regulations set out by the federal Fair Labor Standards Act of 1938.

(2)(A) The Secretary of the Department of Transformation and Shared Services will specify those specific employees or groups of employees other than employees of the Arkansas Department of Transportation eligible to receive overtime compensation, the circumstances under which overtime pay is to be allowed, and other matters the secretary finds appropriate and necessary to comply with the federal Fair Labor Standards Act of 1938 as regards the payment of overtime compensation.

- (B) The Director of State Highways and Transportation shall make these determinations as to employees of the Arkansas Department of Transportation.
- (c) The rules authorized by this section shall not go into effect until the secretary, or the Arkansas Department of Transportation as to its employees, has sought the advice of the Legislative Council.
- (d) In the event that the federal Fair Labor Standards Act of 1938 is held, for whatever reason, to be nonapplicable to state employment, then any state department, agency, board, commission, or institution may pay overtime to its employees only if the General Assembly has given authorization by an appropriation.

History. Acts 1973, No. 876, § 23; 1976 (1st Ex. Sess.), No. 1, § 1; 1977, No. 118, § 1; 1985, No. 820, § 1; A.S.A. 1947, § 13-349; Acts 2009, No. 605, § 19; 2009, No. 606, § 19; 2015, No. 218, § 18; 2017, No. 707, § 48; 2019, No. 910, §§ 6094, 6095.

Amendments. The 2017 amendment substituted “Department of Transportation” for “State Highway and Transportation Department” in (b)(2)(A), (b)(2)(B)

and (c); in (b)(2)(A), substituted “other matters” for “such other matters which”, and substituted “finds” for “may deem”; and deleted “and regulations” following “rules” in (c).

The 2019 amendment substituted “Secretary of the Department of Transformation and Shared Services” for “Chief Fiscal Officer of the State” twice in (b)(2)(A) and in (c).

SUBCHAPTER 18 — REIMBURSEMENTS, COLLECTIONS, AND REFUNDS

SECTION.

- 19-4-1802. Petty cash imprest funds.
- 19-4-1808. Federal funds for vocational schools.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-4-1802. Petty cash imprest funds.

(a) Petty cash imprest funds for any state agency shall be approved by the Chief Fiscal Officer of the State only in the case of actual need for such funds in connection with the daily operations of the agency and shall be subject to such limitations with respect to amount and use of the funds as shall be prescribed by him or her.

(b) The petty cash imprest funds shall not be used to circumvent purchasing rules, nor for the purpose of reimbursing individuals for travel expenses.

History. Acts 1973, No. 876, § 24; A.S.A. 1947, § 13-350; Acts 2019, No. 315, § 1736. **Amendments.** The 2019 amendment substituted “rules” for “regulations” in (b).

19-4-1808. Federal funds for vocational schools.

Reimbursements of federal funds to the Division of Career and Technical Education Fund Account shall be construed to be income of the fiscal year in which the reimbursements were received.

History. Acts 1969, No. 620, § 15; A.S.A. 1947, § 13-513.2; Acts 2019, No. 910, § 2258. **Amendments.** The 2019 amendment substituted “Division of Career and Technical Education Fund Account” for “Department of Career Education Fund Account”.

SUBCHAPTER 19 — FEDERAL GRANTS AND AIDS

SECTION.

- 19-4-1902. Preliminary or informal proposals.
- 19-4-1904. Receipt of funds.
- 19-4-1906. Letters of credit — Definitions.

SECTION.

- 19-4-1907. Quarterly reports.
- 19-4-1908. Review and continuance of programs.

Effective Dates. Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-4-1902. Preliminary or informal proposals.

Preliminary or informal proposals which do not commit personnel, space, facilities, or state funds may be submitted directly to the granting source. However, when the grant requested, if approved, would result in the commitment of state personnel, space, facilities, equipment, or funds, or the program to be proposed by the state agency with the resources from the federal grant has not received specific legislative authorization through an appropriation or specific enabling legislation, the requesting agency shall notify, in writing, the Secretary

of the Department of Finance and Administration that such preliminary or informal proposal is being made and shall briefly describe it.

History. Acts 1973, No. 876, § 21; A.S.A. 1947, § 13-347; Acts 2019, No. 910, § 3457.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration".

Amendments. The 2019 amendment

19-4-1904. Receipt of funds.

(a) When any federal funds, grants, aids, or reimbursements, including unsolicited funds, are received by a state agency, the Department of Finance and Administration shall be notified on forms to be prescribed by the Secretary of the Department of Finance and Administration.

(b) The department shall prescribe procedures for quarterly reporting information relative to grants, aids, reimbursement, and direct or indirect cost reimbursement plans, and research grants and aids for the institutions of higher education.

History. Acts 1973, No., 876, § 21; A.S.A. 1947, § 13-347; Acts 1989, No. 37, § 3; 2019, No. 910, § 3458.

substituted "Secretary of the Department of Finance and Administration" for "Director of the Department of Finance and Administration" in (a).

Amendments. The 2019 amendment

19-4-1906. Letters of credit — Definitions.

(a) As used in this subchapter, unless the context otherwise requires:

(1) "Checks-paid letter of credit" means a system which requires state warrants to be issued without federal moneys on deposit in the State Treasury. The federal share of the warrants would only become available to the Treasurer of State on the day the warrants are presented for redemption. A receipt would be processed and credited to the proper fund before the warrants are redeemed;

(2) "Delay-of-drawdown letter of credit" means a system which requires the Auditor of State to issue warrants without federal moneys on deposit in the State Treasury for specific programs primarily financed by federal moneys. Moneys are drawn upon the letter of credit and deposited with the Treasurer of State based on an agreement with the United States Government establishing warrant redemption patterns. Deposits are made each day based on estimates of the amount of warrants to be redeemed each day. In the event that warrants are presented for redemption on a given day in excess of the amount deposited into the State Treasury, an additional amount of moneys may be requested on a letter of credit and deposited with the Treasurer of State to enable proper warrant redemption and to prevent deficit spending; and

(3) "Federal letter of credit" means an instrument certified by an authorized official of a grantor agency which authorizes a grantee to draw funds needed for immediate disbursement in accordance with the provisions of Treasury Circular 1075.

(b)(1) Upon approval of the Chief Fiscal Officer of the State and under procedures prescribed by the Chief Fiscal Officer of the State, letters of credit, either individually or under a single, unified, checks-paid, or delay-of-drawdown system may be included and accounted for on the books of record of the Auditor of State, Chief Fiscal Officer of the State, and applicable state agency as deferred federal revenues to be treated as an asset comparable to "cash on hand". In connection therewith, the Chief Fiscal Officer of the State may direct the creation and establishment of a revolving paying account on the books of records of the applicable state's accounting records. Furthermore, upon implementation of a checks-paid or delay-of-drawdown system, the affected agency may issue vouchers, the Department of Finance and Administration may approve vouchers for payment, and the Auditor of State may issue warrants for federal programs without regard to federal fund or paying account balances on deposit in the State Treasury.

(2)(A) In no event shall the Treasurer of State redeem any warrants without sufficient fund balances on deposit equal to the total amount of warrants presented for redemption.

(B) In no event shall the implementation of a checks-paid or delay-of-drawdown letter of credit system be construed as deficit spending.

(C) The Chief Fiscal Officer of the State, after consulting with the Auditor of State and the Treasurer of State, may prescribe such rules as necessary to implement a checks-paid or delay-of-drawdown letter of credit system.

(3) No agency shall implement a checks-paid or delay-of-drawdown letter of credit system except upon approval of the Chief Fiscal Officer of the State and upon advice of the Legislative Council.

History. Acts 1973, No. 876, § 21; 1981, No. 572, § 1; A.S.A. 1947, § 13-347; Acts 2019, No. 315, § 1737.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in (b)(2)(C).

19-4-1907. Quarterly reports.

(a) The Secretary of the Department of Finance and Administration shall file quarterly reports with the Legislative Council itemizing and summarizing all contracts or agreements entered into by the Governor with the United States Government, or any agencies or instrumentalities thereof, whereby the State of Arkansas is to participate in any program involving the expenditure of federal funds. These reports shall be filed, whether or not state funds are obligated in connection therewith, with respect to new federal programs or expansions of existing federal programs which were not in existence or which were not implemented by state participation, at the time of the adjournment of the regular session of the General Assembly and entered into prior to the convening of the next regular session of the General Assembly.

(b) The report shall list, with respect to each such contract or agreement:

- (1) A brief statement of the purposes of the agreement;
- (2) The amount of federal funds to be expended thereunder;
- (3) The amount of any state matching funds required in connection with such program, if any;
- (4) The name of the agency that will administer the program; and
- (5) Such additional information as will enable the members of the Legislative Council to determine the nature and purposes of the agreement.

History. Acts 1973, No. 876, § 21; A.S.A. 1947, § 13-347; Acts 2019, No. 910, § 3459.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in the first sentence of (a).

19-4-1908. Review and continuance of programs.

(a) The Legislative Council shall review the quarterly reports filed by the Secretary of the Department of Finance and Administration as required in this subchapter. The Legislative Council shall submit such findings and recommendations to each succeeding regular session of the General Assembly for enabling legislation to implement, restrict, or prohibit the state’s participation in any such new federal program or expanded federal program which was implemented by contract or agreement entered into by the Governor subsequent to the adjournment of the preceding session of the General Assembly.

(b) In the event the next regular session of the General Assembly shall fail to prohibit or restrict the state’s participation in any new or expanded program implemented by contract or agreement signed by the Governor with the United States Government during the interim since the immediately preceding regular session of the General Assembly, then the state may continue to participate in the federal program. On the other hand, if the General Assembly shall restrict or prohibit the state’s participation in any new or expanded federal program implemented by contract or agreement subsequent to the last regular session, then it shall be unlawful for the state to continue to participate in or to expend any state funds in connection with any such program. All contracts or agreements entered into by the Governor or any agency of the state acting under authority of the Governor shall be void and the state’s participation therein shall cease upon the adjournment of the General Assembly, or at such later date if a later date for the termination of the state’s participation therein has been prescribed by law.

History. Acts 1973, No. 876, § 21; A.S.A. 1947, § 13-347; Acts 2019, No. 910, § 3460.

Amendments. The 2019 amendment substituted “Secretary of the Department

of Finance and Administration” for “Director of the Department of Finance and Administration” in the first sentence of (a).

SUBCHAPTER 22 — REVIEW OF DISCRETIONARY GRANTS

SECTION.

19-4-2201. Definitions — Review generally — Exempt grants.

19-4-2201. Definitions — Review generally — Exempt grants.

(a) For the purposes of this subchapter:

(1) “Discretionary grant” means a grant in which the recipient of the grant funds or the formula for the grant award is not specifically stated in the legislation authorizing the grant;

(2) “Nondiscretionary grant” means a grant in which the recipient of the grant funds or the formula for the grant award is specifically stated in the legislation authorizing the grant, or in specific agency rules promulgated by the agency and reviewed by the Legislative Council, or in the case of federal funds, in the statute, regulation, or other federal directive which restricts the disbursement of the funds according to federal guidelines; and

(3) “State agency” means:

(A) Every board, commission, department, division, or office of state government whether executive, legislative, or judicial; and

(B) All state-supported postsecondary educational institutions, including, but not limited to, colleges and universities, vocational and technical schools, and community colleges.

(b) Hereafter, no state agency shall award any discretionary grant prior to review by the Legislative Council between legislative sessions, or by the Joint Budget Committee during legislative sessions. However, if a state agency determines that an emergency exists requiring the discretionary grant to be awarded prior to review, it may award the discretionary grant prior to the review by the Legislative Council or the Joint Budget Committee, and shall immediately notify the Legislative Council between legislative sessions, or the Joint Budget Committee during legislative sessions, as to the facts constituting the emergency.

(c) Grants exempt from review shall include:

(1) Grants for which the total consideration is less than or equal to ten thousand dollars (\$10,000);

(2) Nondiscretionary grants as determined by the agency;

(3) Grants to another governmental entity such as a state agency, public educational institution, federal governmental entity, or body of a local government;

(4) Disaster relief grants;

(5) Grants identified as not requiring review by the Legislative Council between legislative sessions, or the Joint Budget Committee during legislative sessions;

(6) Grants containing confidential information, the disclosure of which is determined by the agency to constitute a violation of other provisions of law regarding disclosure; and

(7) Any scholarship or financial assistance award to, or on behalf of, a postsecondary student.

History. Acts 1999, No. 1032, § 1; substituted “rules” for “regulations” in 2019, No. 315, § 1738.

(a)(2).

Amendments. The 2019 amendment

CHAPTER 5

REVENUE STABILIZATION LAW

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. FUNDS AND ACCOUNTS GENERALLY.
3. GENERAL REVENUE OPERATING FUNDS AND FUND ACCOUNTS.
4. DISTRIBUTION OF GENERAL REVENUES.
5. BUDGET STABILIZATION TRUST FUND.
7. REIMBURSEMENT OF UNEMPLOYMENT COMPENSATION BENEFITS.
8. REIMBURSEMENT OF WORKERS' COMPENSATION BENEFITS.
9. TRUST FUNDS.
10. MISCELLANEOUS FUNDS.
11. TRUST FUNDS CONTINUED.
12. MISCELLANEOUS FUNDS CONTINUED.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

19-5-106. Transfer of funds.

19-5-106. Transfer of funds.

(a) The Chief Fiscal Officer of the State may direct a transfer of funds on the books of the Treasurer of State, the Auditor of State, and the Department of Finance and Administration for the following purposes:

- (1) To correct accounting errors;
- (2) To make loans to authorized funds, fund accounts, or accounts and to repay such loans when they become due and payable, all of which as may be authorized by law;
- (3) To reimburse the Miscellaneous Revolving Fund or successor funds, fund accounts, or accounts for the payment of claims, refunds, or other authorized disbursements as may be authorized by law;
- (4) For such other purposes as may be specifically authorized by law;
- (5)(A) To transfer funds on deposit in the State Treasury containing operating moneys for any:
 - (i) Political entity, including any state agency, board, commission, department, institution, state-supported community college, college, or university;
 - (ii) Political subdivision of the state, including a regional, county, or municipal government; or
 - (iii) School district,

to the state agency responsible for administering federal Social Security and state retirement programs for public employees, public school teachers as defined by law, highway employees, and state police employees in such amounts as shall be certified as being due, including any penalties due to delinquency of obligations.

(B)(i) The head of the state agency responsible for administering the programs shall certify to the Chief Fiscal Officer of the State the agencies, funds, amounts involved, and any other pertinent information.

(ii) The Chief Fiscal Officer of the State shall then notify the Auditor of State and the Treasurer of State of the transfers; or

(6) To transfer funds between state agencies and within state agencies in order to eliminate the double accounting of receipts and expenditures which occurs under the method of issuing vouchers.

(b)(1) The transfer document form shall be designed by the Chief Fiscal Officer of the State, with the approval of the Treasurer of State and the Auditor of State, and shall be designed in such form so as to be compatible with the accounting and coding systems of all three (3) offices.

(2) The transfer document as executed by the Chief Fiscal Officer of the State must bear his or her manual signature or the signature of a designated official of his or her office.

(3) In addition, there shall be stated in the document a clearly understood reason for the issuance of the transfer and the specific legal authority for the transfer.

(c)(1) The Treasurer of State is authorized and directed to issue an official transfer document, designed by him or her with the approval of the Chief Fiscal Officer of the State and the Auditor of State as to its form, for the purpose of distributing general and special revenues at the close of business each month.

(2) This document shall bear the manual signature of the Treasurer of State or his or her deputy.

(d) The Treasurer of State may refuse to make any transfer if, in his or her opinion, sufficient proof of the legality of the transfer is not provided.

(e) The Chief Fiscal Officer of the State may transfer moneys from the General Revenue Allotment Reserve Fund accruing thereto from year-end balances as authorized by § 19-5-1004(b)(1) and (2), or from such other funds, fund accounts, or accounts when such fund balances may be transferred for the following purpose: In those instances in which the General Assembly authorizes carrying forward from one (1) fiscal year to the succeeding fiscal year, but not exceeding a two-year appropriation period in conformity with Arkansas Constitution, Article 5, § 29, a transfer of moneys shall be made for reimbursing the fund, in accordance with the provisions of this subsection for the additional moneys expended resulting from the carry-forward provisions of this subsection.

(f)(1) The Chief Fiscal Officer of the State may remove any inactive funds, other than those funds or fund accounts established by law, upon determination that the funds have no appropriations or outstanding warrants and are therefore inactive, from the financial records of the State of Arkansas and to transfer any balances remaining in such funds to the General Revenue Allotment Reserve Fund.

(2) The Chief Fiscal Officer of the State shall notify the Treasurer of State and the Auditor of State of such transactions.

(3) The Chief Fiscal Officer of the State shall report to the Legislative Council and the Joint Budget Committee, during the month of November of each even-numbered year, the status of all inactive funds, along with his or her recommendation as to the disposition of such funds and balances maintained in them.

(g) The Treasurer of State may transfer funds under this section by direct deposit.

History. Acts 1973, No. 750, § 10; 1977, No. 719, § 1; 1977, No. 955, § 18; 1981, No. 938, §§ 10, 11; 1985, No. 64, §§ 3, 4; A.S.A. 1947, § 13-535.1; Acts

1991, No. 1166, § 5; 2005, No. 1172, § 2; 2013, No. 1146, § 2; 2019, No. 616, § 1.

Amendments. The 2019 amendment added (g).

SUBCHAPTER 2 — FUNDS AND ACCOUNTS GENERALLY

SECTION.	SECTION.
19-5-202. General Revenue Fund Account.	19-5-206. Service charges against state agencies.
19-5-205. Constitutional Officers Fund and State Central Services Fund.	

Effective Dates. Acts 2019, No. 580, § 18: Sept. 1, 2019. Effective date clause provided: “Sections 2-17 of this act are effective on the first day of the second calendar month following the effective date of this act”.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections

of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-5-202. General Revenue Fund Account.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund account to be known as the “General Revenue Fund Account” of the State Apportionment Fund to which all gross general revenues are to be credited upon receipt of them by the Treasurer of State, there to be distributed as provided in this section. The Treasurer of State, with the approval of the Auditor of State and the Chief Fiscal Officer of the State,

shall prescribe the procedures and forms required to be used by all governmental units depositing funds into the State Treasury.

(b) At the close of business at 12:00 noon on the last working day of each month, the Treasurer of State shall make the following distributions of the gross general revenues in the General Revenue Fund Account on properly signed forms prescribed by him or her, with the approval of the Auditor of State and the Chief Fiscal Officer of the State:

(1) From such gross general revenues received during each month, the Treasurer of State shall deduct the amounts represented by claims, taxes erroneously paid, uncollected checks, and advance transfers made to the Individual Income Tax Withholding Fund, Corporate Income Tax Withholding Fund, and Home Owners Tax Relief Fund from each applicable revenue received during that month and other advance transfers and shall keep a record for accounting purposes. Advance transfers made during the month to funds or fund accounts from which there are no applicable revenue sources shall be made from gross general revenues received during the month. The remaining revenue in the General Revenue Fund Account shall be designated as net general revenue; and

(2)(A) In the event the Budget Stabilization Trust Fund has insufficient balances to make loans to the Individual Income Tax Withholding Fund, Corporate Income Tax Withholding Fund, and Home Owners Tax Relief Fund or to any of those funds or fund accounts enumerated in §§ 19-5-402 and 19-5-404 [repealed] to cover refunds or operating requirements during the month, the Chief Fiscal Officer of the State may make advance transfers from the General Revenue Fund Account to those funds to cover the refunds or operating requirements and notify the Treasurer of State thereof. However, the advance transfers to the funds or fund accounts enumerated in §§ 19-5-402 and 19-5-404 [repealed] shall not exceed the anticipated general revenue distribution to the applicable fund or fund account for that month. For calculation purposes only, the Treasurer of State shall add an amount to the net general revenue equal to the advance transfers authorized in this section processed for the current month.

(B) From the net general revenue, after adding the advance transfer, if any, the Treasurer of State shall make the following distributions and shall notify the Auditor of State and the Chief Fiscal Officer of the State:

(i) First, the Treasurer of State shall deduct one percent (1%), which shall be transferred to the Constitutional Officers Fund, as created in § 19-5-205(c). An appropriate percentage of not less than two percent (2%) and not to exceed three percent (3%), as determined from time to time by the Chief Fiscal Officer of the State as being the amount required to support the estimated commitments and expenditures of the State Central Services Fund for the current fiscal year, shall be transferred to the State Central Services Fund, as created in § 19-5-205(e);

(ii) Next, any revenue deposited into the General Revenue Fund Account from the net casino gaming receipts tax under § 5(c) of The

Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution, Amendment 100, that exceeds thirty-one million two hundred thousand dollars (\$31,200,000) in a fiscal year shall be held in a subaccount to be transferred on the last business day of the fiscal year from the General Revenue Fund Account to the State Highway and Transportation Department Fund;

(iii)(a) On the last business day of the fiscal year ending June 30, 2020, and on the last business day of each following fiscal year, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the Treasurer of State and the Auditor of State an amount not to exceed thirty-five million dollars (\$35,000,000) from the funds available in the Restricted Reserve Fund and from any other funds designated by the Governor to the State Highway and Transportation Department Fund.

(b) The amount to be transferred under this subdivision (b)(2)(B)(iii) shall be calculated to provide the total sum of thirty-five million dollars (\$35,000,000) to the State Highway and Transportation Department Fund when combined with the funds transferred in that fiscal year from the General Revenue Fund Account under subdivision (b)(2)(B)(ii) of this section;

(iv) Next, the Treasurer of State shall deduct an amount sufficient to pay for cash rebates which have been paid or approved for payment during the current month upon applications filed therefor as authorized in §§ 26-51-601 — 26-51-608 [repealed] and deduct an amount sufficient to pay for refunds made during that month to taxpayers from overpayment of the income tax as certified by the Chief Fiscal Officer of the State and transfer that amount to the Individual Income Tax Withholding Fund, Corporate Income Tax Withholding Fund, and Home Owners Tax Relief Fund, as applicable;

(v)(a) Next, the Secretary of the Department of Finance and Administration shall certify the amount distributed to the General Revenue Fund Account from the sales tax and the special privilege tax on medical marijuana under § 17(c) of the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, for the month.

(b) The Treasurer of State shall then deduct an amount equal to the amount certified under subdivision (b)(2)(B)(v)(a) of this section from the General Revenue Fund Account and transfer the amount to the University of Arkansas for Medical Sciences National Cancer Institute Designation Trust Fund; and

(vi) The remaining revenue, known as general revenues available for distribution, in the General Revenue Fund Account shall be distributed as provided by this chapter to the various funds and fund accounts as created and established in § 19-5-301 et seq. and to any other fund or fund account as may be authorized by law. The Treasurer of State, after distributing the general revenues available for distribution due each fund or fund account, shall deduct the amount of any advance transfers made during the month from the distribution to each applicable fund or fund account.

(c) In determining the percentage to be deducted from net general revenues as authorized in this section, the Chief Fiscal Officer of the State shall take into consideration all revenues accruing to the benefit and fund balances of the General Revenue Fund Account, as well as estimated expenditures and commitments for the year from the State Central Services Fund. In estimating the expenditures and commitments for the year, the Chief Fiscal Officer of the State shall use the estimates obtained from the agencies to which appropriations were made from the State Central Services Fund.

(d) The Chief Fiscal Officer of the State, after determining the percentage deduction required to meet the obligations and commitments as set out in subsection (c) of this section, shall obtain approval from the Legislative Council.

(e)(1) It shall remain the jurisdiction of each agency to determine from which appropriations made payable from the General Revenue Fund Account the reductions in spending will be made to meet their estimated expenditure and commitment level, and each agency shall notify the Chief Fiscal Officer of the State of their proposed plan of expenditures.

(2) The agencies may revise their spending plan from time to time as long as the total of the expenditures by the agency from the General Revenue Fund Account does not exceed the amount determined by the Chief Fiscal Officer of the State and shall notify the Chief Fiscal Officer of the State of the proposed revisions.

(3) Nothing in this subsection shall be interpreted as requiring any purchasing or budget decision currently authorized by law for an elected constitutional officer or staff of a constitutional officer to be transferred to the Chief Fiscal Officer of the State.

(f) The Chief Fiscal Officer of the State shall be responsible for ensuring that the expenditures from the State Central Services Fund do not in any year exceed the resources available to the General Revenue Fund Account, and to that end the Chief Fiscal Officer of the State shall set up the appropriate safeguards on the expenditures and obligations from the General Revenue Fund Account.

(g) In order that the General Assembly may be made aware of potential problems as early as possible, the Department of Finance and Administration shall report on the financial condition of the State Central Services Fund to the Legislative Council and to the Legislative Joint Auditing Committee monthly in such detail as may be required.

History. Acts 1973, No. 750, § 4; 1975, No. 868, § 1; 1977, No. 955, § 2; 1983, No. 737, §§ 1, 2; A.S.A. 1947, § 13-510; Acts 1987, No. 945, § 1; 2003, No. 1022, § 1; 2019, No. 416, § 2; 2019, No. 580, § 6.

A.C.R.C. Notes. Acts 2019, No. 416, § 1, provided: "Legislative findings and intent.

"(a) The General Assembly finds that additional revenue will be available to the

state resulting from anticipated savings generated by the transformation of state government, the creation of cabinet positions, and other reductions in state government, and from the growth of casino gambling resulting from the adoption of The Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution, Amendment 100.

"(b) The General Assembly intends to

use a portion of the anticipated savings described in subsection (a) of this section to make additional revenues available for use in maintaining and repairing public highways, streets, and bridges in the state”.

Amendments. The 2019 amendment by No. 416 inserted (b)(2)(B)(ii) and

(b)(2)(B)(iii); and redesignated former (b)(2)(B)(ii) and (b)(2)(B)(iii) as (b)(2)(B)(iv) and (b)(2)(B)(v) [now (b)(2)(B)(vi)].

The 2019 amendment by No. 580 redesignated former (b)(2)(B)(iii) as (b)(2)(B)(iv) [now (b)(2)(B)(vi)]; and inserted (b)(2)(B)(iii) [now (b)(2)(B)(v)].

19-5-205. Constitutional Officers Fund and State Central Services Fund.

(a) The elected constitutional officers and their departments of government as established by the Arkansas Constitution and certain state departments and employees of state departments are known and recognized as performing and rendering, either individually or collectively, services to every other state agency. The General Assembly declares that the services rendered are embraced under or by one (1) or more of the items or agencies as follows:

(1) Services rendered by the legislative, judicial, and executive departments of the state as recognized by the Arkansas Constitution;

(2) Services rendered by the Chief Fiscal Officer of the State for management of the state’s resources relating to general fiscal affairs, administering the budget, accounting, purchasing, personnel, and other applicable fiscal laws; and

(3) Those agencies supported from the State Central Services Fund, which collect the general revenue and special revenues as defined in the Revenue Classification Law, § 19-6-101 et seq., or such other laws as may be enacted by the General Assembly.

(b)(1) Those departments and activities of the state which perform the services as set out in subdivision (a)(1) of this section are declared to be the following:

(A) The General Assembly, including State Capitol renovation of the General Assembly quarters, Senate and House of Representatives legislative session staff, interim expenses incurred by members of the Senate and House of Representatives, and the appropriations contained in the general appropriation bill made for services of the General Assembly;

(B) The Governor;

(C) The Lieutenant Governor;

(D) The Secretary of State;

(E) The Attorney General;

(F) The Treasurer of State;

(G) The Commissioner of State Lands;

(H) The Auditor of State;

(I) The Supreme Court;

(J) The Court of Appeals; and

(K) The circuit courts and prosecuting attorneys.

(2) Those agencies and activities of the state which perform the services as set out in subdivisions (a)(2) and (3) of this section are declared to be the following:

- (A) Senate and House of Representatives interim staff;
- (B) The Bureau of Legislative Research, and interim committee and interim committee study expenses of the Legislative Council;
- (C) Arkansas Legislative Audit;
- (D) Grants and contributions for the Commission on Interstate Cooperation [abolished];
- (E) The Secretary of State;
- (F) Office of Administrative Services of the Department of Finance and Administration and Revenue Division of the Department of Finance and Administration;
- (G) The Administrative Office of the Courts;
- (H) The Office of the Prosecutor Coordinator;
- (I) The Arkansas Governor's Mansion Commission;
- (J) The Arkansas State Claims Commission; and
- (K) Other activities supporting the legislative, executive, and judicial departments.

(c)(1)(A) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Constitutional Officers Fund", there to be used for the maintenance, operation, and improvements of those departments and activities as set out in subdivision (b)(1) of this section unless specific and separate funds are otherwise provided therefor.

(B) The Constitutional Officers Fund shall consist of:

(i) One-third ($\frac{1}{3}$) of the amount produced from the three percent (3%) deduction from the net general revenue deposited into the State Treasury;

(ii) One-third ($\frac{1}{3}$) of the amount produced from the three percent (3%) deduction from the net special revenues collected and deposited into the State Treasury by the agencies set out in subsection (b) of this section; and

(iii) One-third ($\frac{1}{3}$) of the amount produced from the one and one-half percent (1.5%) deduction from the net special revenues collected and deposited into the State Treasury by any other state agency, department, board, commission, or institution.

(C)(i) Any balance which remains in the Constitutional Officers Fund at the end of a fiscal year which exceeds seven percent (7%) of the anticipated obligations from the Constitutional Officers Fund for the fiscal year just ended or which is estimated to be available for the fiscal year may be transferred from time to time to the State Central Services Fund for use in the next fiscal year.

(ii) If the funds transferred to the State Central Services Fund are based on an estimated balance which is less than the actual balance on June 30, the difference shall be transferred to the State Central Services Fund on or before August 1.

(iii) If the funds transferred to the State Central Services Fund are based on an estimated balance which is higher than the actual balance on June 30, the difference shall be transferred from the State Central Services Fund to the Constitutional Officers Fund on or before August 1.

(2) The Constitutional Officers Fund shall also be used to allow the payment of claims for judges due to overpayments into the Arkansas Judicial Retirement System prior to the enactment of §§ 24-6-204 and 24-8-201 — 24-8-211 by transfer to the Judges Retirement Fund in such amounts as may be appropriated by the General Assembly.

(d)(1) Facts before the General Assembly drawn from statistical computations, comparisons, and related data, taken over a period of many years in the past, are conclusive of the proposition that the cost of the services rendered by the agencies set out in subsection (b) of this section have amounted to not less than three percent (3%) of the total general revenues and special revenues as defined in the Revenue Classification Law, § 19-6-101 et seq.

(2) It is therefore declared to be the policy of the State of Arkansas that every agency supported in whole or in part from the general revenues or special revenues deposited into the State Treasury shall contribute to the support of the services rendered by the agencies set out in subsection (b) of this section.

(3) The purposes for which the taxes, licenses, or fees and other income defined to be general revenues or special revenues are raised and collected shall be deemed to include the services as defined in this section.

(e)(1)(A) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “State Central Services Fund”, there to be used for the maintenance, operation, and improvements of those agencies and activities as set out in subdivision (b)(2) of this section unless specific and separate funds are otherwise provided therefor.

(B) The State Central Services Fund shall consist of:

(i) Those special revenues as specified in § 19-6-301(9), (11), (19), (21), (37), (75), (76), (77), (78), (79), (82), (83), (84), (85), (86), (87), (88), (89), (91), (96), (116), (118), (120), (124), (149), (188), (231), (244), (246), (247), (266), and (267) and eight percent (8%) of those special revenues as set out in § 19-6-301(20) of the Revenue Classification Law, § 19-6-101 et seq.;

(ii) The amount produced from the deduction from the net general revenues deposited into the State Treasury;

(iii) The amount produced from the deduction from the net special revenues collected and deposited into the State Treasury by the agencies set out in subsection (b) of this section;

(iv) The amount produced from the deduction from the net special revenues collected and deposited into the State Treasury by any other state agency, department, board, commission, or institution;

(v) All earnings and income collected by any of those agencies set out in subsection (b) of this section;

(vi) Funds received from federal funds on account of indirect cost reimbursement collected under a statewide indirect cost allocation plan and paid to any of the agencies set out in subsection (b) of this section;

(vii) Any other funds received from the United States Government granted specifically to the agencies as set out in subsection (b) of this section, unless otherwise required by the grantor federal agency;

(viii) Interest earned on Social Security trust funds which are remitted to the Arkansas Public Employees' Retirement System and held in banks until transmitted to the Social Security Administration;

(ix) Reimbursements by transfer from the Ad Valorem Tax Fund on account of expenditures made to Arkansas Legislative Audit;

(x) Such general revenues as may be provided by the General Assembly;

(xi) One and one-half percent (1.5%) of those cash funds of those state agencies as defined in § 19-5-206;

(xii) Such fund balances as may exist on June 30, 1995, in the Public Defender Fund of the State Treasury [repealed] and all such funds as may accrue to and be transferred from the Public Defender Fund [repealed] by the Treasurer of State on the last day of each month;

(xiii) Moneys transferred or deposited from the State Administration of Justice Fund for the benefit of the Arkansas Public Defender Commission;

(xiv) Public defender attorney's fees to be used solely to defray costs for the Arkansas Public Defender Commission as set out in § 5-4-303(g)(2)(A);

(xv) Public defender user fees to be used to defray the costs of the public defender system, § 16-87-213;

(xvi) That portion of nonrefundable fees charged by bail bond companies for the Arkansas Public Defender Commission, § 17-19-301(e); and

(xvii) The first one hundred thousand dollars (\$100,000) collected in taxes and penalties under § 26-26-1614 and deposited as nonrevenue receipts during each fiscal year for use by the Revenue Division of the Department of Finance and Administration, § 26-26-1616.

(2) If required to help meet the commitments of the State Central Services Fund and if funds are determined to be available, the Chief Fiscal Officer of the State may transfer a sum not to exceed four million dollars (\$4,000,000) during any fiscal year from the Budget Stabilization Trust Fund to the State Central Services Fund.

(3)(A) After all other deductions and transfers from other sources authorized by law have been made available to the State Central Services Fund, the Chief Fiscal Officer of the State shall transfer such additional amounts as may be required from the General Revenue Fund Account to the State Central Services Fund to fully finance the expenditures and obligations from the appropriations set out in this section.

(B)(i) The amount of the transfer shall be determined by subtracting the total of all estimated expenditures from the State Central Services Fund from the total resources available to the State Central Services Fund without a transfer of general revenue.

(ii) Then the result shall be multiplied by the proportion that the estimated expenditures for the budgets as set out in subdivision (e)(3)(C) of this section bears to the total of all the estimated expenditures from the State Central Services Fund.

(iii) The product shall be the amount of general revenue required to meet the expenditures and commitments of the agencies and budget set out in subdivision (e)(3)(C) of this section.

(C) The appropriations to which this subdivision (e)(3) applies are determined to be the:

- (i) House of Representatives;
- (ii) Senate;
- (iii) Arkansas Legislative Audit;
- (iv) Bureau of Legislative Research;
- (v) Bureau of Legislative Research — Disbursing Officer;
- (vi) Court of Appeals;
- (vii) Administrative Office of the Courts — Operations;
- (viii) Supreme Court;
- (ix) Governor;
- (x) Lieutenant Governor;
- (xi) Attorney General;
- (xii) Auditor of State — Operations;
- (xiii) Commissioner of State Lands;
- (xiv) Secretary of State;
- (xv) Treasurer of State;
- (xvi) Department of Finance and Administration — Division of Administrative Services:
 - (a) Director's Office;
 - (b) Director's Office — Office of Economic Analysis and Tax Research;
 - (c) Office of Accounting;
 - (d) Office of Budget;
 - (e) Office of Personnel Management; and
 - (f) Office of Administrative Services — Office of Information Services; and
- (xvii) Department of Finance and Administration — Revenue Division.

(D) The Chief Fiscal Officer of the State shall notify the disbursing officers of the appropriations from the State Central Services Fund not enumerated in subdivision (e)(3)(C) of this section of the amount of their portion of any reduction required from their authorized appropriations in order to maintain the State Central Services Fund with a projected positive balance.

(E) In no event shall any funds or appropriations for that particular disbursing agency enumerated in subdivision (e)(3)(C) of this section be affected if a deficit occurs in other State Central Services Fund appropriations or funds not enumerated in subdivision (e)(3)(C) of this section for that particular disbursing agency.

History. Acts 1973, No. 750, § 5; 1979, No. 1013, § 1; 1983, No. 392, § 2; 1983, No. 801, § 3; 1985, No. 888, §§ 1, 2; 1985 (1st Ex. Sess.), No. 3, § 1; A.S.A. 1947, §§ 13-511, 13-511.1; Acts 1987, No. 945, § 3; 1987 (1st Ex. Sess.), No. 24, § 2; 1989, No. 629, § 1; 1991, No. 1135, § 1; 1995, No. 1021, § 1; 1995, No. 1163, §§ 1, 2; 1997, No. 1248, §§ 1, 2; 1997, No. 1355, § 15; 1999, No. 904, § 16; 1999, No. 1463, § 1; 2001, No. 1646, § 1; 2003, No. 1022, § 3; 2003 (1st Ex. Sess.), No. 55, §§ 1, 26; 2005, No. 196, § 9; 2005, No. 2282, §§ 1, 2; 2005, No. 2316, §§ 1, 2; 2007, No. 1032, § 1; 2007, No. 1201, § 1; 2010, No. 262, § 1; 2010, No. 296, § 1; 2011, No. 1136, § 1; 2013, No. 1516, § 1; 2013, No. 1517, § 1; 2015, No. 1144, § 2; 2015, No. 1145, § 2; 2019, No. 733, § 3.

Amendments. The 2019 amendment inserted “(263), and (264)” [now “(266), and (267)”] in (e)(1)(B)(i).

19-5-206. Service charges against state agencies.

(a)(1) For the purpose of this section, the term “state agency” shall include all boards, commissions, departments, agencies, institutions, offices, or officers, and any other office or unit of the State of Arkansas created or established pursuant to law or pursuant to any action of the Governor, functioning under appropriation of the General Assembly or functioning as a representative of the State of Arkansas without appropriation of the General Assembly.

(2)(A) “State agency” shall not include the Department of Education and any of its divisions, community colleges and branches thereof, universities and branches thereof, technical colleges, technical institutes, postsecondary vocational-technical schools, and comprehensive lifelong learning centers.

(B) “State agency” shall not include the office of the Commissioner of State Lands or the Department of Parks, Heritage, and Tourism.

(b) Each state agency, whose annual income or revenue as reflected by the previous fiscal year’s audit exceeds twenty-five thousand dollars (\$25,000), shall remit by check on the first day of each calendar quarter to the Treasurer of State an amount equal to one and one-half percent (1 ½%) of the total expenditures of the previous calendar quarter from those cash funds as defined under § 19-4-801, excluding funds received from the United States Government or those held in trust by the state agency or those funds of the various state retirement systems. Funds received by the Division of Arkansas Heritage from voluntary donations shall also be excluded. In the event that a state agency elects to deposit its cash funds into the State Treasury under the provisions of § 19-4-503, then the amount required under this section shall be transferred from the state agency’s treasury fund to the State Central Services Fund.

(c) The Treasurer of State shall deposit each check as a nonrevenue receipt to the credit of the State Central Services Fund in order to provide financial support for certain required administrative functions of state government.

History. Acts 1993, No. 1230, § 1; 1997, No. 1115, § 58; 1997, No. 1248, § 3; 2019, No. 910, §§ 5668, 5669.

Amendments. The 2019 amendment substituted “Department of Parks, Heritage, and Tourism” for “Department of Parks and Tourism” in (a)(2)(B); and substituted “Division of Arkansas Heritage”

for “Department of Arkansas Heritage” in the second sentence of (b).

SUBCHAPTER 3 — GENERAL REVENUE OPERATING FUNDS AND FUND ACCOUNTS

- SECTION.
19-5-302. State General Government Fund.
19-5-303. Institutions of higher education funds.
19-5-304. Education Fund.

- SECTION.
19-5-305. Public School Fund.
19-5-306. Department of Human Services Fund.
19-5-307. Public Health Fund.
19-5-311. Technical college funds created.

Effective Dates. Acts 2017, No. 178, § 11: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2017.”

Acts 2017, No. 179, § 13: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health

and safety shall be in full force and effect from and after July 1, 2017.”

Identical Acts 2017, No. 1083 and 1127, § 26: July 1, 2017. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period is later than July 1, 2017, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Identical Acts 2018, Nos. 259 and 260, § 10: July 1, 2018.

Acts 2019, No. 82, § 23: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the General Improvement Fund should no longer be utilized; that the Development and Enhancement Fund is necessary to complete unfinished state projects; and that this act is necessary to address infrastructure needs and unanticipated needs of the State of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

Acts 2019, No. 204, § 5: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the name change proposed under this act is to enable students interested in the Texarkana campus of the community college to have their ACT testing information sent di-

rectly to Texarkana and not to the Hope campus of the community college or to an institution in Texas; that there is confusion regarding where a student should send his or her ACT scores because Texarkana is not currently part of the campus's formal name; and that this act is necessary in order to change the name of the community college in time for the next fiscal year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

Acts 2019, No. 873, § 45: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019".

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is

found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

Identical Acts 2019, Nos. 998 and 1024, § 11: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period after adjournment sine die is later than July 1, 2019, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

19-5-302. State General Government Fund.

The State General Government Fund shall consist of the following fund accounts and funds made available for the support of the various departments of government as set out below and shall be used for the same purposes as set out for the following fund accounts:

(1) DIVISION OF CORRECTION INMATE CARE AND CUSTODY FUND ACCOUNT.

(A) The Division of Correction Inmate Care and Custody Fund Account shall be used for the maintenance, operation, and improvement of the Division of Correction required in carrying out those powers, functions, and duties relating to nonfarm or crop-producing programs as established by law.

(B) The Division of Correction Inmate Care and Custody Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the inmate care and custody program;

(iii) Excess farm profits as may be provided by law; and

(iv) Any other funds provided by law, including federal reimbursements received for eligible expenditures by the various programs of the Division of Correction from appropriations made payable from the Division of Correction Inmate Care and Custody Fund Account;

(2) DEPARTMENT OF THE MILITARY FUND ACCOUNT.

(A) The Department of the Military Fund Account shall be used for the maintenance, operation, and improvement of the Department of the Military required in carrying out the powers, functions, and duties as set out in the Military Code of Arkansas, Title 12, Chapters 60-64, or other duties imposed by law upon the State Militia, Department of the Military, and the Arkansas Wing of the Civil Air Patrol, which was separated from the Department of Public Safety [abolished] by Acts 1981, No. 45, §§ 4 and 5.

(B) The Department of the Military Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the Department of the Military; and

(iii) Any other funds as may be provided by law.

(C) Federal reimbursement funds received on account of eligible expenditures by the State Militia or the Department of the Military shall be deposited into the Special Military Fund established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State, there to be used as may be provided by law;

(3) PARKS AND TOURISM FUND ACCOUNT.

(A) The Parks and Tourism Fund Account shall be used for the maintenance, operation, and improvement required by the Department of Parks, Heritage, and Tourism as created by § 25-43-1301, or other duties imposed by law upon the State Parks Division and the Tourism Division, the State Parks, Recreation, and Travel Commission, or upon any state park of Arkansas.

(B) The Parks and Tourism Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the various divisions of the State Parks Division and the Tourism Division; and

(iii) Any other funds that may be provided by law.

(C) Funds received by the various state parks under the direction of the Department of Parks, Heritage, and Tourism which are not required to be deposited into the State Treasury shall be deposited into banks, there to be disbursed as may be appropriated by the General Assembly or to be used as may be otherwise provided by law;

(4) DIVISION OF ENVIRONMENTAL QUALITY FUND ACCOUNT.

(A) The Division of Environmental Quality Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Environmental Quality in carrying out the powers,

functions, and duties as set out in Title 8, Chapters 1-10, or other duties imposed by law.

(B) The Division of Environmental Quality Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Such funds received from the Arkansas State Game and Fish Commission and from the Oil and Gas Commission as may be provided by law;
- (iii) Nonrevenue income derived from services provided by the Division of Environmental Quality; and
- (iv) Any other funds provided by law;

(5) ARKANSAS ECONOMIC DEVELOPMENT COMMISSION FUND ACCOUNT.

(A) The Arkansas Economic Development Commission Fund Account shall be used for the maintenance, operation, and improvement required by the Arkansas Economic Development Commission and the Arkansas Economic Development Council in carrying out the powers, functions, and duties as set out in §§ 15-4-101, 15-4-102, 15-4-201 — 15-4-204, 15-4-206, 15-4-209 — 15-4-212, 15-4-501 — 15-4-524, and 15-10-201 — 15-10-206, or other duties imposed by law upon the Arkansas Economic Development Commission or the Arkansas Energy Office of the Division of Environmental Quality.

(B) The Arkansas Economic Development Commission Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services performed by the various divisions of the Arkansas Economic Development Council; and
- (iii) Any other funds that may be provided by law;

(6) DIVISION OF HIGHER EDUCATION FUND ACCOUNT.

(A) The Division of Higher Education Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Higher Education in carrying out the duties imposed by law upon the Arkansas Higher Education Coordinating Board or the Commission on Coordination of Educational Finance, which was transferred to the Arkansas Higher Education Coordinating Board and to the Department of Higher Education, under the provisions of § 25-7-101.

(B) The Division of Higher Education Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Federal reimbursement on account of eligible expenditures made by the Division of Higher Education;
- (iii) Nonrevenue income derived from services provided by the Division of Higher Education; and
- (iv) Any other funds provided by law.

(C) Proceeds derived from the repayment of loans, grants, or scholarships funded by the Higher Education Grants Fund Account shall be deposited into the State Treasury fund from which it originated;

(7) DEPARTMENT OF LABOR AND LICENSING FUND ACCOUNT.

(A) The Department of Labor and Licensing Fund Account shall be used for the maintenance, operation, and improvement required by the Department of Labor and Licensing in carrying out those powers, functions, and duties imposed by law upon the Secretary of the Department of Labor and Licensing or the Department of Labor and Licensing, or upon the State Mine Inspector as set out in § 11-7-201 et seq., or any other duties that may be imposed by law upon the Department of Labor and Licensing which was transferred to the Department of Labor and Licensing by § 25-12-101.

(B) The Department of Labor and Licensing Fund Account shall consist of:

- (i) Those general revenues as may be provided by law; and
- (ii) Any other funds as may be provided by law, including federal reimbursement received on account of eligible expenditures by the various programs of the Department of Labor and Licensing operating from and having appropriations made payable from the Department of Labor and Licensing Fund Account;

(8) LIVESTOCK AND POULTRY FUND ACCOUNT.

(A) The Livestock and Poultry Fund Account shall be used for the maintenance, operation, and improvement of the Arkansas Livestock and Poultry Commission, which was separated from the Department of Commerce [abolished] by Acts 1981, No. 867, § 1, in carrying out the functions, powers, and duties as set out in § 2-33-101 et seq., or other duties imposed by law upon the Arkansas Livestock and Poultry Commission.

(B) The Livestock and Poultry Fund Account shall consist of:

- (i) Those general revenues as may be provided by law; and
- (ii) Any other funds provided by law;

(9) MISCELLANEOUS AGENCIES FUND ACCOUNT.

(A) The Miscellaneous Agencies Fund Account may be used for the state's membership in regional or national associations, grants to certain organizations, and maintenance, operations, and improvements of appropriation units as may be authorized by the General Assembly.

(B) The Miscellaneous Agencies Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the various agencies and programs funded from the Miscellaneous Agencies Fund Account;
- (iii) Federal reimbursement received on account of eligible expenditures of the various agencies and programs receiving primary support from the Miscellaneous Agencies Fund Account;
- (iv) Those special revenues as specified in subdivision (233) and that portion of subdivision (201) in § 19-6-301 of the Revenue Classification Law, § 19-6-101 et seq.;
- (v) That portion of forfeited registration fees for beer kegs sold for off-site consumption; and

(vi) Civil penalties paid or recovered as set out in § 2-24-108(d)(2).

(C) If there are not sufficient funds available in the Miscellaneous Agencies Fund Account to support the amounts appropriated from the Miscellaneous Agencies Fund Account, the Chief Fiscal Officer of the State shall determine the amount of moneys to be made available for each of the appropriations made from the Miscellaneous Agencies Fund Account, after having first provided full funding for all national and regional association dues;

(10) DIVISION OF ARKANSAS HERITAGE FUND ACCOUNT. The Division of Arkansas Heritage Fund Account shall consist of those general revenues as provided by law for the Division of Arkansas Heritage and shall be used for the maintenance, operation, and improvement of the Division of Arkansas Heritage;

(11) HIGHER EDUCATION GRANTS FUND ACCOUNT.

(A) The Higher Education Grants Fund Account shall be used for the:

(i) State's contribution for tuition support for Arkansas students attending out-of-state schools in dentistry, optometry, veterinary, podiatry, osteopathy, and chiropractic; and

(ii) Disbursement of funds for the Arkansas Academic Challenge Scholarship Program — Part 2, and other various scholarship, loan, and grant programs as authorized by law and administered by the Division of Higher Education or other state agencies made disbursing agents by the General Assembly from the Higher Education Grants Fund Account.

(B) The Higher Education Grants Fund Account shall consist of transfers from the Private Career School Student Protection Trust Fund under § 6-51-607 and those general revenues and any other funds as may be provided by law;

(12) DIVISION OF COMMUNITY CORRECTION FUND ACCOUNT.

(A) The Division of Community Correction Fund Account shall be used for the maintenance, operation, and improvement of the Division of Community Correction required in carrying out those powers, functions, and duties as established by law.

(B) The Division of Community Correction Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the probation, parole, and community correction program; and

(iii) Any other funds provided by law, including federal reimbursements received for eligible expenditures by the various programs of the Division of Correction from appropriations made payable from the Division of Community Correction Fund Account;

(13) [Repealed.]

(14) DEPARTMENT OF AGRICULTURE FUND ACCOUNT.

(A) The Department of Agriculture Fund Account shall be used for the maintenance, operation, and improvement required by the Department of Agriculture in carrying out those powers, functions, and

duties imposed by law upon the Secretary of the Department of Agriculture as set out in Title 25, Chapter 38, or any other duties that may be imposed by law upon the Department of Agriculture which were transferred to the Department of Agriculture under the provisions of §§ 25-38-206 and 25-38-211.

(B) The Department of Agriculture Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the various divisions of the Department of Agriculture;
- (iii) Federal reimbursement received on account of eligible expenditures by the various programs of the Department of Agriculture operating from and having appropriations made payable from the Department of Agriculture Fund Account; and
- (iv) Any other funds as may be provided by law.

History. Acts 1973, No. 750, § 6; 1975, No. 868, §§ 4-7; 1977, No. 955, §§ 7-11; 1979, No. 1115, §§ 2, 9; 1981, No. 938, §§ 4-6; 1983, No. 801, § 9; 1985, No. 888, § 7; A.S.A. 1947, § 13-521; Acts 1989, No. 629, §§ 2, 3, 9; 1993, No. 324, § 3; 1993, No. 728, § 40; 1993, No. 911, § 10; 1993, No. 953, § 16; 1993, No. 1073, § 1; 1995, No. 158, § 22; 1995, No. 455, § 1; 1995, No. 1163, §§ 3-5, 28, 29; 1997, No. 156, § 3; 1997, No. 540, § 41; 1997, No. 1248, §§ 4, 5; 1999, No. 646, § 57; 1999, No. 935, § 6; 1999, No. 1164, § 157; 1999, No. 1323, § 48; 1999, No. 1463, §§ 2, 29; 1999, No. 1508, § 8; 2001, No. 577, § 2; 2001, No. 1646, §§ 2, 20; 2001, No. 1800, § 3; 2003 (1st Ex. Sess.), No. 25, § 15; 2003 (1st Ex. Sess.), No. 55, § 24; 2005, No. 2282, § 9; 2005, No. 2316, § 9; 2007, No. 1032, §§ 2, 3; 2007, No. 1201, §§ 2, 3; 2010, No. 297, § 3; 2011, No. 856, § 2; 2011, No. 1095, § 1; 2011, No. 1115, § 1; 2015, No. 1144, §§ 3, 4; 2015, No. 1145, §§ 3, 4; 2016, No. 242, § 2; 2016, No. 270, § 2; 2016 (3rd Ex. Sess.), No. 2, § 124; 2016 (3rd Ex. Sess.), No. 3, § 124; 2017, No. 707, § 49; 2017, No. 1083, §§ 2, 3; 2017, No. 1127, §§ 2, 3; 2019, No. 755, § 8; 2019, No. 873, § 23; 2019, No. 910, §§ 977-984; 2019, No. 1091, § 4.

A.C.R.C. Notes. Identical Acts 2017, No. 1083 and 1127, § 1, provided: "The purpose of this act is to amend the Revenue Stabilization Law."

Identical Acts 2017, No. 1083 and 1127, § 24, provided: "DUPLICATE ACTS. If

HB1548 and SB295 of the 2017 Regular Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other."

Amendments. The 2017 amendment by No. 707, in (9)(C), substituted "Department of Transportation" for "State Highway and Transportation Department", and substituted "under" for "pursuant to".

The 2017 amendment by identical acts Nos. 1083 and 1127 deleted "and ensured that the appropriations made for the Arkansas State Highway and Transportation Department for road and bridge repair and maintenance are funded pursuant to the maximum funding allocation provided by law" at the end of (9)(C); and repealed (13).

The 2019 amendment by No. 755 inserted "transfers from the Private Career School Student Protection Trust Fund under § 6-51-607 and" in (11)(B).

The 2019 amendment by No. 873 added (6)(C).

The 2019 amendment by No. 910 rewrote (1), (2), (3), (4), (7), (10), (12), and (14) to conform the state department names; in (3)(A) substituted "25-43-1301" for "23-13-101"; and rewrote (4)(A).

The 2019 amendment by No. 1091 deleted "the Prairie Grove Battlefield State Park Advisory Commission" before "or upon any state park" in (3)(A).

19-5-303. Institutions of higher education funds.

(a) UNIVERSITY OF ARKANSAS FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Fund".

(2) The University of Arkansas Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas, including the Fayetteville campus, the University of Arkansas Cooperative Extension Service, the University of Arkansas agricultural experiment stations, the Graduate Institute of Technology, the Arkansas Archeological Survey, and for such other related and miscellaneous programs as may be provided by law.

(3) The University of Arkansas Fund shall consist of:

(A) Those general revenues that may be provided by law;

(B) Those special revenues as set out in §§ 19-6-301(45), 19-6-301(229), and 19-6-301(232); and

(C) Funds received from the Budget Stabilization Trust Fund as authorized by § 19-5-501.

(b) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Medical Center Fund".

(2) The University of Arkansas Medical Center Fund is to be used for the maintenance, operation, and improvement of the University of Arkansas for Medical Sciences and its various divisions and programs, including the area health education centers and physician extender programs.

(3) The University of Arkansas Medical Center Fund shall consist of:

(A) Those general revenues as may be provided by law;

(B) Those special revenues as set out in § 19-6-301(224); and

(C) Any other funds made available for the support of the University of Arkansas for Medical Sciences which are required to be deposited into the State Treasury.

(c) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas at Little Rock Fund".

(2) The University of Arkansas at Little Rock Fund shall be used for the maintenance, operation, and improvement of the Little Rock campus of the University of Arkansas and its various divisions and programs, including the Arkansas Economic Development Institute.

(3) The University of Arkansas at Little Rock Fund shall consist of:

(A) Those general revenues as may be provided by law;

(B) Those special revenues as set out in § 19-6-301(229); and

(C) Any other funds made available for the support of the University of Arkansas at Little Rock which are required to be deposited into the State Treasury by law.

(d) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas at Monticello Fund".

(2) The University of Arkansas at Monticello Fund shall be used for the maintenance, operation, and improvement of the Monticello campus of the University of Arkansas and its various divisions, the University of Arkansas at Monticello College of Technology-Crossett, and the University of Arkansas at Monticello College of Technology-McGehee.

(3) The University of Arkansas at Monticello Fund shall consist of:

(A) Those general revenues as may be provided by law;

(B) The June 30, 2003, balances in the Forest Echoes Technical Institute Fund Account and the Great Rivers Comprehensive Life-long Learning Center Fund Account; and

(C) Any other funds made available for the support of the University of Arkansas at Monticello which are required to be deposited into the State Treasury by law.

(e) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas at Pine Bluff Fund".

(2) The University of Arkansas at Pine Bluff Fund shall be used for the maintenance, operation, and improvement of the Pine Bluff campus of the University of Arkansas.

(3) The University of Arkansas at Pine Bluff Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas at Pine Bluff and its various divisions, including the special teacher training program, which are required to be deposited into the State Treasury by law.

(f) ARKANSAS STATE UNIVERSITY FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University Fund".

(2) The Arkansas State University Fund shall be used for the maintenance, operation, and improvement of Arkansas State University.

(3) The Arkansas State University Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas State University which are required to be deposited into the State Treasury by law.

(g) ARKANSAS STATE UNIVERSITY — BEEBE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University — Beebe Fund".

(2) The Arkansas State University — Beebe Fund shall be used for the maintenance, operation, and improvement of Arkansas State University-Beebe, including Arkansas State Technical Institute, Arkansas State University-Searcy, and Arkansas State University-Heber Springs.

(3) The Arkansas State University — Beebe Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas State University-Beebe which are required to be deposited into the State Treasury by law.

(h) ARKANSAS TECH UNIVERSITY FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Tech University Fund".

(2) The Arkansas Tech University Fund shall be used for the maintenance, operation, and improvement of Arkansas Tech University.

(3) The Arkansas Tech University Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas Tech University which are required to be deposited into the State Treasury by law.

(i) HENDERSON STATE UNIVERSITY FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Henderson State University Fund".

(2) The Henderson State University Fund shall be used for the maintenance, operation, and improvement of Henderson State University, including the nursing program.

(3) The Henderson State University Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Henderson State University which are required to be deposited into the State Treasury by law.

(j) SOUTHERN ARKANSAS UNIVERSITY FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Southern Arkansas University Fund".

(2) The Southern Arkansas University Fund shall be used for the maintenance, operation, and improvement of Southern Arkansas University.

(3) The Southern Arkansas University Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Southern Arkansas University and its programs which are required to be deposited into the State Treasury by law.

(k) UNIVERSITY OF CENTRAL ARKANSAS FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Central Arkansas Fund".

(2) The University of Central Arkansas Fund shall be used for the maintenance, operation, and improvement of the University of Central Arkansas.

(3) The University of Central Arkansas Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Central Arkansas which are required to be deposited into the State Treasury by law.

(l) UNIVERSITY OF ARKANSAS AT FORT SMITH FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas at Fort Smith Fund".

(2) The University of Arkansas at Fort Smith Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas at Fort Smith.

(3) The University of Arkansas at Fort Smith Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas at Fort Smith which are required to be deposited into the State Treasury by law.

(m) NORTH ARKANSAS COLLEGE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "North Arkansas College Fund".

(2) The North Arkansas College Fund shall be used for the maintenance, operation, and improvement of North Arkansas College.

(3) The North Arkansas College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of North Arkansas College which are required to be deposited into the State Treasury by law.

(n) EAST ARKANSAS COMMUNITY COLLEGE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "East Arkansas Community College Fund".

(2) The East Arkansas Community College Fund shall be used for the maintenance, operation, and improvement of East Arkansas Community College.

(3) The East Arkansas Community College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of East Arkansas Community College which are required to be deposited into the State Treasury by law.

(o) ARKANSAS NORTHEASTERN COLLEGE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Northeastern College Fund".

(2) The Arkansas Northeastern College Fund shall be used for the maintenance, operation, and improvement of Arkansas Northeastern College.

(3) The Arkansas Northeastern College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas Northeastern College which are required to be deposited into the State Treasury by law.

(p) PHILLIPS COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Phillips Community College of the University of Arkansas Fund".

(2) The Phillips Community College of the University of Arkansas Fund shall be used for the maintenance, operation, and improvement of Phillips Community College of the University of Arkansas, including the Stuttgart and DeWitt campuses.

(3) The Phillips Community College of the University of Arkansas Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Phillips Community College of the University of Arkansas which are required to be deposited into the State Treasury by law.

(q) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT RICH MOUNTAIN FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Community College at Rich Mountain Fund".

(2) The University of Arkansas Community College at Rich Mountain Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas Community College at Rich Mountain.

(3) The University of Arkansas Community College at Rich Mountain Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas Community College at Rich Mountain which are required to be deposited into the State Treasury by law.

(r) NORTHWEST ARKANSAS COMMUNITY COLLEGE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Northwest Arkansas Community College Fund".

(2) The Northwest Arkansas Community College Fund shall be used for the maintenance, operation, and improvement of Northwest Arkansas Community College.

(3) The Northwest Arkansas Community College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Northwest Arkansas Community College which are required to be deposited into the State Treasury by law.

(s) SOUTH ARKANSAS COMMUNITY COLLEGE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "South Arkansas Community College Fund".

(2) The South Arkansas Community College Fund shall be used for the maintenance, operation, and improvement of South Arkansas Community College.

(3) The South Arkansas Community College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of South Arkansas Community College which are required to be deposited into the State Treasury by law.

(t) SAU-TECH FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "SAU-Tech Fund".

(2) The SAU-Tech Fund shall be used for the maintenance, operation, and improvement of SAU-Tech, the Arkansas Fire Training Academy, and the Arkansas Environmental Training Academy.

(3) The SAU-Tech Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of SAU-Tech and its programs which are required to be deposited into the State Treasury by law.

(u) ARKANSAS STATE UNIVERSITY MID-SOUTH FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University Mid-South Fund".

(2) The Arkansas State University Mid-South Fund shall be used for the maintenance, operation, and improvement of Arkansas State University Mid-South.

(3) The Arkansas State University Mid-South Fund shall consist of:

(A) Those general revenues as may be provided by law;

(B) Those special revenues as set out in § 19-6-301(183); and

(C) Any other funds made available for the support of Arkansas State University Mid-South which are required to be deposited into the State Treasury by law.

(v) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT HOPE-TEXARKANA FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Community College at Hope-Texarkana Fund".

(2) The University of Arkansas Community College at Hope-Texarkana Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas Community College at Hope-Texarkana.

(3) The University of Arkansas Community College at Hope-Texarkana Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas Community College at Hope-Texarkana which are required to be deposited into the State Treasury by law.

(w) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT BATESVILLE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Community College at Batesville Fund".

(2) The University of Arkansas Community College at Batesville Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas Community College at Batesville.

(3) The University of Arkansas Community College at Batesville Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas Community College at Batesville which are required to be deposited into the State Treasury by law.

(x) HIGHER EDUCATION INSTITUTIONS PERFORMANCE FUND.

(1) The Higher Education Institutions Performance Fund shall be used to provide additional support for institutions of higher education on the basis of institutional performance as determined by the Arkansas Higher Education Coordinating Board and reported to the Legislative Council.

(2) The Higher Education Institutions Performance Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds provided by law.

(y) ARKANSAS STATE UNIVERSITY — NEWPORT FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University — Newport Fund".

(2) The Arkansas State University — Newport Fund shall be used for the maintenance, operation, and improvement of Arkansas State University — Newport.

(3) The Arkansas State University — Newport Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas State University — Newport which are required to be deposited into the State Treasury by law.

(z) [Repealed.]

(aa) COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Cossatot Community College of the University of Arkansas Fund".

(2) The Cossatot Community College of the University of Arkansas Fund shall be used for the maintenance, operation, and improvement of Cossatot Community College of the University of Arkansas.

(3) The Cossatot Community College of the University of Arkansas Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Cossatot Community College of the University of Arkansas which are required to be deposited into the State Treasury by law.

(bb) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT MORRILTON FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Community College at Morrilton Fund".

(2) The University of Arkansas Community College at Morrilton Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas Community College at Morrilton.

(3) The University of Arkansas Community College at Morrilton Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas Community College at Morrilton which are required to be deposited into the State Treasury by law.

(cc) ARKANSAS STATE UNIVERSITY-MOUNTAIN HOME FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University-Mountain Home Fund".

(2) The Arkansas State University-Mountain Home Fund shall be used for the maintenance, operation, and improvement of Arkansas State University-Mountain Home.

(3) The Arkansas State University-Mountain Home Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas State University-Mountain Home which are required to be deposited into the State Treasury by law.

(dd) NATIONAL PARK COLLEGE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "National Park College Fund".

(2) The National Park College Fund shall be used for the maintenance, operation, and improvement of National Park College.

(3) The National Park College Fund shall consist of:

(A) Those general revenues transferred each month from the Garland County Community College Fund;

(B) The June 30, 2003, balances in the Garland County Community College Fund; and

(C) Any other funds made available for the support of National Park College which are required to be deposited into the State Treasury by law.

(ee) SCHOOL FOR MATH, SCIENCES, AND ARTS FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "School for Math, Sciences, and Arts Fund".

(2) The School for Math, Sciences, and Arts Fund shall be used to provide for the maintenance, operation, and improvement required by the Arkansas School for Mathematics, Sciences, and the Arts in carrying out its powers, functions, and duties as set out by law.

(3) The School for Math, Sciences, and Arts Fund shall consist of:

(A) Moneys allocated and transferred from the Educational Excellence Trust Fund;

(B) Any general revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et seq.; and

(C) Any other moneys as may be authorized by law.

(ff) OZARKA COLLEGE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Ozarka College Fund".

(2) The Ozarka College Fund shall be used for the maintenance, operation, and improvement of Ozarka College.

(3) The Ozarka College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Ozarka College which are required to be deposited into the State Treasury by law.

(gg) SOUTHEAST ARKANSAS COLLEGE FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Southeast Arkansas College Fund".

(2) The Southeast Arkansas College Fund shall be used for the maintenance, operation, and improvement of Southeast Arkansas College.

(3) The Southeast Arkansas College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Southeast Arkansas College which are required to be deposited into the State Treasury by law.

(hh) COLLEGE OF THE OUACHITAS FUND.

(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "College of The Ouachitas Fund".

(2) The College of The Ouachitas Fund shall be used for the maintenance, operation, and improvement of the College of The Ouachitas.

(3) The College of The Ouachitas Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the College of The Ouachitas which are required to be deposited into the State Treasury by law.

History. Acts 1973, No. 750, § 6; 1975, No. 868, §§ 8, 9; 1977, No. 955, §§ 12, 13; 1979, No. 1013, § 9; 1979, No. 1077, § 3; 1981, No. 938, § 7; 1983, No. 801, §§ 5-7, 10; 1985, No. 888, § 8; A.S.A. 1947, § 13-521; Acts 1989, No. 629, § 4; 1991, No. 335, §§ 1, 2; 1991, No. 1135, § 2; 1993, No. 447, § 8; 1993, No. 1073, §§ 2, 3; 1995, No. 1163, §§ 6-9; 1995, No. 1296, § 70; 1997, No. 1248, §§ 6, 7; 1999, No. 1463, §§ 3-6; 2001, No. 90, § 9; 2001, No. 292, § 12; 2001, No. 297, § 5; 2003, No. 1290, § 4; 2003 (1st Ex. Sess.), No. 55, §§ 2, 3, 27, 29, 31, 34; 2005, No. 2282, § 3; 2005, No. 2316, § 3; 2007, No. 1032, §§ 4-6; 2007, No. 1201, §§ 4-6; 2009, No. 1440, § 1; 2009, No. 1441, § 1; 2011, No. 1095, § 2; 2011, No. 1115, § 2; 2012, No. 271, § 1; 2012, No. 287, § 1; 2013, No. 1131, § 1; 2016, No. 140, § 11; 2016, No. 141, § 11; 2017, No. 179, § 9; 2017, No. 1083, § 4; 2017, No. 1127, § 4; 2019, No. 204, § 3.

A.C.R.C. Notes. Identical Acts 2017, Nos. 1083 and 1127, § 1, provided: "The purpose of this act is to amend the Rev-

enue Stabilization Law."

Identical Acts 2017, Nos. 1083 and 1127, § 24, provided: "If HB1548 and SB295 of the 2017 Regular Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other."

Amendments. The 2017 amendment by No. 179 substituted "University of Arkansas Community College at Rich Mountain" for "Rich Mountain Community College" throughout (q).

The 2017 amendment by identical acts Nos. 1083 and 1127 repealed (z).

The 2019 amendment substituted "University of Arkansas Community College at Hope-Texarkana Fund" for "University of Arkansas Community College at Hope Fund" throughout (v); and substituted "University of Arkansas Community College at Hope-Texarkana" for "University of Arkansas Community College at Hope" in (v)(2) and (v)(3)(B).

19-5-304. Education Fund.

The Education Fund shall consist of the following funds and fund accounts made available for the support of the Division of Elementary and Secondary Education, the Division of Career and Technical Education, the Adult Education Section, and the Office of Skills Development, and shall be used for the same purposes as set out for the following fund accounts:

(1) DIVISION OF ELEMENTARY AND SECONDARY EDUCATION FUND ACCOUNT.

(A) The Division of Elementary and Secondary Education Fund Account shall be used to provide for the maintenance, operation, and improvement of the Division of Elementary and Secondary Education as created by § 6-10-101 et seq., and any other laws imposing functions, powers, and duties upon the State Board of Education, the Division of Elementary and Secondary Education, and the Commissioner of Elementary and Secondary Education, including, but not necessarily limited to, history textbooks expenses, the Publishing Revolving Account, audio-visual services, textbooks operation, compact for education, including the state's membership, and the state's contribution to the Southern Regional Education Board.

(B) The Division of Elementary and Secondary Education Fund Account shall consist of:

(i) Those general revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et seq.; and

(ii) Nonrevenue income derived from services provided by those programs supported from the Division of Elementary and Secondary Education Fund Account, including any rental property located on

the State Capitol grounds owned by the Division of Elementary and Secondary Education;

(2) DIVISION OF CAREER AND TECHNICAL EDUCATION FUND ACCOUNT.

(A) The Division of Career and Technical Education Fund Account shall be used to provide support for those programs placed under the direction of the Director of the Division of Career and Technical Education as authorized by §§ 6-11-101, 6-11-102, 25-6-101, 25-6-102, and Acts 1981, No. 64, § 4, and any other laws imposing functions, powers, and duties upon the State Board of Education with respect to career and technical education, including without limitation the following:

- (i) Vocational, technical, and adult education;
- (ii) Adult basic education;
- (iii) Manpower training;
- (iv) Vocational standards;
- (v) Industry training programs; and
- (vi) Those functions, programs, and responsibilities transferred to the Division of Career and Technical Education, the Adult Education Section, and the Office of Skills Development, as authorized by these statutes.

(B) The Division of Career and Technical Education Fund Account shall consist of those general revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et seq.;

(3) EDUCATIONAL TELEVISION FUND ACCOUNT.

(A) The Educational Television Fund Account shall be used for the maintenance, operation, and improvement required by the Educational Television Division of the Division of Elementary and Secondary Education in carrying out those powers, functions, and duties of the Arkansas Educational Television Commission as set out in § 6-3-101 et seq. or other duties imposed by law upon the Arkansas Educational Television Commission.

(B) The Educational Television Fund Account shall consist of those general revenues as may be provided by law and nonrevenue income derived from services provided by the Educational Television Division of the Division of Elementary and Secondary Education and any other nonfederal grant funds provided by law;

(4) STATE LIBRARY FUND ACCOUNT.

(A) The State Library Fund Account shall be used for the maintenance, operation, and improvement required by the Library Division of the Department of Education in carrying out the powers, functions, and duties as set out in § 13-2-201 et seq. or any other duties imposed by law upon the State Library Commission, which were transferred to the Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

(B) The State Library Fund Account shall consist of those general revenues as may be provided by law and nonrevenue income derived from services provided by the Library Division of the Department of Education and any other nonfederal grant funds provided by law;

(5) SCHOOL FOR THE BLIND FUND ACCOUNT.

(A) The School for the Blind Fund Account shall be used for the maintenance, operation, and improvement required by the Arkansas School for the Blind in carrying out those powers, functions, and duties as set out in § 6-43-101 et seq. and § 6-43-201 et seq.

(B) The School for the Blind Fund Account shall consist of those general revenues as may be provided by law and nonrevenue income derived from services provided by the Arkansas School for the Blind and any other nonfederal grant funds provided by law.

(C) Federal reimbursement funds received on account of vocational education programs conducted by the Arkansas School for the Blind shall not be deposited into the School for the Blind Fund Account;

(6) SCHOOL FOR THE DEAF FUND ACCOUNT.

(A) The School for the Deaf Fund Account shall be used for the maintenance, operation, and improvement required by the Arkansas School for the Deaf in carrying out the powers, functions, and duties as set out in § 6-43-301 et seq. or other duties imposed by law upon the Arkansas School for the Deaf, which were transferred to the Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

(B) The School for the Deaf Fund Account shall consist of those general revenues as may be provided by law and nonrevenue income derived from services provided by the Arkansas School for the Deaf and any other nonfederal grant funds provided by law.

(C) Federal reimbursement funds received on account of vocational education programs conducted by the Arkansas School for the Deaf shall not be deposited into the School for the Deaf Fund Account;

(7) REHABILITATION SERVICES FUND ACCOUNT.

(A) The Rehabilitation Services Fund Account shall be used for the maintenance, operation, and improvement required by Arkansas Rehabilitation Services in carrying out the powers, functions, and duties as set out in § 6-52-101 et seq., the Rehabilitation Act of Arkansas, § 20-79-201 et seq., and § 25-30-201 et seq., and for the adult handicapped program at the Arkansas Health Center.

(B) The Rehabilitation Services Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by rehabilitation programs of Arkansas Rehabilitation Services; and
- (iii) Any other nonfederal grant funds provided by law;

(8) TECHNICAL INSTITUTE AND OTHER EDUCATION FUND ACCOUNTS.

(A) The Northwest Technical Institute Fund Account shall be used for the maintenance, operation, and improvement of Northwest Technical Institute. The Northwest Technical Institute Fund Account shall consist of:

- (i) Those general revenues as may be provided by law; and
- (ii) Any other funds made available for the support of Northwest Technical Institute which are required to be deposited into the State Treasury by law.

(B) The Riverside Vocational Technical School Fund Account shall be used for the maintenance, operation, and improvement of Riverside Vocational Technical School. The Riverside Vocational Technical School Fund Account shall consist of:

- (i) Those general revenues as may be provided by law; and
- (ii) Any other funds made available for the support of Riverside Vocational Technical School which are required to be deposited into the State Treasury by law;

(9) EDUCATIONAL FACILITIES PARTNERSHIP FUND ACCOUNT.

(A) The Educational Facilities Partnership Fund Account shall be used for distribution of grants for programs providing academic school facility and transportation assistance to the public school districts as may be provided by law.

(B) The Educational Facilities Partnership Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Moneys transferred from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund; and
- (iii) Any other moneys as may be provided by law; and

(10) DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION FUND ACCOUNT.

(A) The Division of Public School Academic Facilities and Transportation Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Public School Academic Facilities and Transportation as may be provided by law.

(B) The Division of Public School Academic Facilities and Transportation Fund Account shall consist of:

- (i) Those general revenues as may be provided by law; and
- (ii) Any other funds made available for the support of the Division of Public School Academic Facilities and Transportation.

History. Acts 1973, No. 750, § 6; 1981, No. 938, § 1; 1985, No. 888, § 3; A.S.A. 1947, § 13-521; Acts 1991, No. 1135, § 3; 1993, No. 1073, § 22; 1995, No. 1163, § 10; 1999, No. 253, § 1; 2001, No. 152, § 2; 2001, No. 231, § 2; 2003 (1st Ex. Sess.), No. 55, §§ 4, 28, 30, 32, 33; 2005, No. 1962, §§ 80-82; 2005, No. 2139, § 5; 2007, No. 260, § 4; 2007, No. 827, § 143; 2011, No. 856, § 3; 2011, No. 1095, § 3; 2011, No. 1115, § 3; 2019, No. 82, § 8; 2019, No. 910, § 2259; 2019, No. 998, § 2; 2019, No. 1024, § 2.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: "Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

"(1) Various construction and improvement projects;

"(2) Unforeseen needs;

"(3) Funding deficiencies; and

"(4) The completion of projects previously funded by the General Assembly".

Identical Acts 2019, Nos. 998 and 1024, § 1, provided: "The purpose of this act is to amend the Revenue Stabilization Law, § 19-5-101 et seq."

Identical Acts 2019, Nos. 998 and 1024, § 10, provided: "DUPLICATE ACTS. If HB1876 and SB597 of the 2019 Regular Session of the 92nd General Assembly are both enacted and adopted by the 92nd General Assembly in identical form, then the last Act passed or latest expression shall supersede the other".

Amendments. The 2019 amendment by No. 82 inserted "or its successor fund or

fund accounts, including the Development and Enhancement Fund" in (9)(B)(ii).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" and "Division of Career and Technical Education" for "Department of Career Education" throughout the section; inserted "the Adult Education Section of the Division of Workforce Services, and the Office of Skills Development" in the introductory language of the section and in (2)(A)(vi); substituted "Commis-

sioner of Elementary and Secondary Education" for "Commissioner of Education" in (1)(A); substituted "State Board of Education with respect to career and technical education" for "Career Education and Workforce Development Board" in (2)(A); and substituted "of the Division of Workforce Services" for "of the Department of Career Education" following "Arkansas Rehabilitation Services" in (7)(A) and (7)(B)(ii).

The 2019 amendment by identical acts Nos. 998 and 1024 repealed former (8)(A).

19-5-305. Public School Fund.

(a) The Public School Fund shall consist of the following fund accounts and funds made available for the support of the Division of Elementary and Secondary Education, the Arkansas State Library, and the Division of Career and Technical Education and shall be used for the same purposes as set out for the following fund accounts:

(1) DIVISION OF ELEMENTARY AND SECONDARY EDUCATION PUBLIC SCHOOL FUND ACCOUNT. The Division of Elementary and Secondary Education Public School Fund Account shall be used for grants and aids for the programs administered by the Division of Elementary and Secondary Education as authorized by law;

(2) DIVISION OF CAREER AND TECHNICAL EDUCATION PUBLIC SCHOOL FUND ACCOUNT. The Division of Career and Technical Education Public School Fund Account shall be used for grants and aids for the programs administered by the Division of Career and Technical Education, the Adult Education Section, and the Office of Skills Development, consisting of, but not limited to:

- (A) General adult education grants;
- (B) Adult basic education grants;
- (C) Manpower development and training grants;
- (D) Vocational-technical and adult education; and

(E) Such other grants and aids as may be authorized by law for disbursement by the Division of Career and Technical Education, the Adult Education Section, and the Office of Skills Development; and

(3) STATE LIBRARY PUBLIC SCHOOL FUND ACCOUNT. The State Library Public School Fund Account shall be used for State Aid to Public Libraries as administered by the Arkansas State Library.

(b) The Public School Fund shall consist of those moneys as may be provided by:

(1) The Revenue Stabilization Law, § 19-5-101 et seq.;

(2) Any federal mineral leasing funds, federal forest reserve funds, federal flood control funds, or any other similar turnback funds in the State Treasury for which the eligible county or school district cannot be identified;

(3) Fines collected pursuant to § 6-21-410 under the Free Textbook Act of 1975, § 6-21-401 et seq.;

(4) Funds remitted by county treasurers for those school districts which have local revenue per student in excess of the local base per student, as set out in § 26-80-101(c);

(5) Amusement machine revenues up to and including thirty thousand dollars (\$30,000), as set out in § 26-57-407;

(6) Twenty-five percent (25%) of additional rental vehicle tax revenues under § 26-63-302, to be used exclusively for teacher salaries; and

(7) Such other funds as may be authorized by law.

(c)(1) There is authorized a transfer of up to two hundred thousand dollars (\$200,000) per year from the Public School Fund to the Division of Elementary and Secondary Education Fund Account or the Division of Career and Technical Education Fund Account, or a portion thereof to both, by the Treasurer of State and the Chief Fiscal Officer of the State, upon certification as to the amount required by the Commissioner of Elementary and Secondary Education or by the Director of the Division of Career and Technical Education, or both, to the Chief Fiscal Officer of the State.

(2) This transfer shall be used to provide additional support for the administration of the handicapped children program and the vocational-technical and adult education program.

History. Acts 1973, No. 750, § 6; 1975, No. 868, § 2; 1977, No. 955, § 3; A.S.A. 1947, § 13-521; Acts 1997, No. 1248, § 8; 1999, No. 253, § 2; 2001, No. 1646, § 3; 2003, No. 1052, § 10; 2003 (1st Ex. Sess.), No. 55, § 5; 2007, No. 182, § 15; 2007, No. 1032, § 7; 2007, No. 1201, § 7; 2011, No. 1095, § 4; 2011, No. 1115, § 4; 2019, No. 910, § 2260.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" throughout (a) and in (c)(1);

substituted "Division of Career and Technical Education" for "Department of Career Education" in the introductory language of (a), twice in (a)(2), and twice in (c)(1); substituted "Division of Career and Technical Education, Adult Education Section of the Division of Workforce Services, Office of Skills Development" for "Department of Career Education" in the introductory language of (a)(2) and in (a)(2)(E); and substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (c)(1).

19-5-306. Department of Human Services Fund.

The Department of Human Services Fund shall consist of the following fund accounts and funds made available for the support of the Department of Human Services and shall be used for the same purposes as set out for the following fund accounts:

(1) BEHAVIORAL HEALTH SERVICES FUND ACCOUNT.

(A) The Behavioral Health Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in carrying out the powers, functions, and duties, as set out in § 20-46-101 et seq. and § 25-10-101 et seq., or other duties imposed by law upon the Arkansas State Hospital.

(B) The Behavioral Health Services Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the Arkansas State Hospital;

(iii) Federal reimbursement received on account of eligible expenditures;

(iv) Paying patient fees and other funds as may be provided by law;

(v) Funds received from local sources for community program matching; and

(vi) Funds received from the Division of Medical Services;

(2) DEVELOPMENTAL DISABILITIES SERVICES FUND ACCOUNT.

(A) The Developmental Disabilities Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Developmental Disabilities Services in carrying out the powers, functions, and duties, as set out in § 20-48-101 et seq. and § 25-10-101 et seq., and all laws amendatory thereto, or other duties imposed by law upon the human development centers or the Board of Developmental Disabilities Services.

(B) The Developmental Disabilities Services Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived by services provided by the human development centers;

(iii) Funds received from local sources to provide matching for community developmental disabilities services programs; and

(iv) Reimbursement received from the Division of Medical Services;

(3) MEDICAL SERVICES FUND ACCOUNT.

(A) The Medical Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Medical Services in carrying out the powers, functions, and duties as set out in § 20-76-101 et seq. and § 25-10-101 et seq., including the support and administration costs of the expanded Medical Services Program of the Division of Medical Services for the working poor in Arkansas.

(B) The Medical Services Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the Division of Medical Services;

(iii) Federal reimbursement received on account of eligible expenditures for the administration of medical services programs;

(iv) Funds derived from fees collected pursuant to the provisions of §§ 20-10-213 — 20-10-228 to be used for the maintenance and operation of the long-term care facility licensure program of the Division of Medical Services; and

(v) Any other nonfederal grant funds provided by law.

(C) Other federal reimbursement funds received by the Division of Medical Services shall be deposited into a separate federal reimbursement fund on the books of the Treasurer of State;

(4) YOUTH SERVICES FUND ACCOUNT.

(A) The Youth Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Youth Services in carrying out the powers, functions, and duties as set out in § 9-28-201 et seq., including serious offender and community-based programs and the youth service centers.

(B) The Youth Services Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the various programs of the Division of Youth Services; and
- (iii) Any other nonfederal grants-in-aid funds provided by law.

(C) Other federal reimbursement received by the Division of Youth Services shall be deposited into a separate federal reimbursement fund on the books of the Treasurer of State, including those received on account of eligible expenditures of the youth service centers' vocational education programs;

(5) CHILDREN AND FAMILY SERVICES FUND ACCOUNT.

(A) The Children and Family Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Children and Family Services in carrying out those functions, powers, and duties as set out in § 25-10-101 et seq.

(B) The Children and Family Services Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the Division of Children and Family Services; and
- (iii) Any other nonfederal grant-in-aid funds provided by law;

(6) DEPARTMENT OF HUMAN SERVICES ADMINISTRATION FUND ACCOUNT.

(A) The Department of Human Services Administration Fund Account shall be used for the maintenance, operation, and improvement required by the office of the Secretary of the Department of Human Services in carrying out the administrative duties and shared business services of the Department of Human Services as set out in and under the restrictions and provisions of § 20-46-301 and § 25-10-101 et seq.

(B) The Department of Human Services Administration Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by these divisions of the Department of Human Services; and
- (iii) Any other funds, including reimbursement for costs incurred by these divisions from the various other Department of Human Services' divisions from nongeneral revenue sources, as may be required and provided by law;

(7) AGING AND ADULT SERVICES FUND ACCOUNT.

(A) The Aging and Adult Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services in carrying out the powers, functions, and

duties as imposed by law, and § 25-10-101 et seq., upon the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services.

(B) The Aging and Adult Services Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Fifty percent (50%) of those special revenues as specified in § 19-6-301(201), there to be used to assist the Meals on Wheels program, and any other special revenues as may be provided by law;
- (iii) Nonrevenue income derived from services provided by the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;
- (iv) Federal reimbursement received on account of eligible expenditures of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services; and

(v) The first three million dollars (\$3,000,000) each year of the net revenues derived from the additional cigarette tax levied in § 26-57-802, to be used exclusively for transportation services benefiting the elderly, including the Meals on Wheels program;

(8) STATE SERVICES FOR THE BLIND FUND ACCOUNT.

(A) The State Services for the Blind Fund Account shall be used for the maintenance, operation, and improvement required by the Division of State Services for the Blind in carrying out the powers, functions, and duties as set out in § 25-10-201 et seq. or other duties imposed by law upon the Division of State Services for the Blind.

(B) The State Services for the Blind Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by programs of the Division of State Services for the Blind; and
- (iii) Any other nonfederal grants funds provided by law;

(9) COUNTY OPERATIONS FUND ACCOUNT.

(A) The County Operations Fund Account shall be used for the maintenance, operation, and improvement required by the Division of County Operations in carrying out the powers, functions, and duties as set out in § 25-10-102.

(B) The County Operations Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the various programs of the Division of County Operations;
- (iii) Any other nonfederal grants-in-aid funds provided by law;
- (iv) Funds received from the Division of Elementary and Secondary Education for surplus commodities; and

(v) Federal reimbursement received on account of eligible expenditures of the Division of County Operations.

(C) Other federal reimbursement funds received by the Division of County Operations shall be deposited into a separate federal reimbursement fund on the books of the Treasurer of State;

(10) DEPARTMENT OF HUMAN SERVICES GRANTS FUND ACCOUNT.

(A) The Department of Human Services Grants Fund Account shall be used for the following grant programs to consist of general

revenues and any other nonfederal funds, as may be appropriated by the General Assembly:

- (i) Children's Medical Services;
- (ii) Food Stamp Employment and Training Program;
- (iii) Aid to the Aged, Blind, and Disabled;
- (iv) Transitional Employment Assistance Program;
- (v) Private nursing home care;
- (vi) Infant Infirmary — nursing home care;
- (vii) Public Nursing Home Care;
- (viii) Prescription drugs;
- (ix) Hospital and Medical Services;
- (x) Child and Family Life Institute;
- (xi) Community Services Block Grant Program;
- (xii) ARKids First Program;
- (xiii) Child health management services; and
- (xiv) Child Care Grant.

(B) Federal reimbursement received by the Department of Human Services shall be deposited into separate funds on the books of the Treasurer of State;

(11) LONG-TERM CARE FACILITY RECEIVERSHIP FUND ACCOUNT.

(A) The Long-Term Care Facility Receivership Fund Account shall be used for paying the expenses of receivers appointed under the Arkansas Long-Term Care Facility Receivership Law, § 20-10-901 et seq., as administered and disbursed under the direction of the Secretary of the Department of Human Services.

(B) The Long-Term Care Facility Receivership Fund Account shall consist of:

(i) Those general revenues and such other funds as may be provided by law; and

(ii) The balance in the Long-Term Care Facility Receivership Fund Account which remains at the end of a fiscal year;

(12) CHILD CARE AND EARLY CHILDHOOD EDUCATION FUND ACCOUNT.

(A) The Child Care and Early Childhood Education Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Child Care and Early Childhood Education in carrying out those functions, powers, and duties as set out in the Child Care Facility Licensing Act, § 20-78-201 et seq., or other duties imposed by law upon the Division of Child Care and Early Childhood Education.

(B) The Child Care and Early Childhood Education Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the Division of Child Care and Early Childhood Education; and

(iii) Any other nonfederal grant-in-aid funds provided by law; and

(13) PROVIDER SERVICES AND QUALITY ASSURANCE FUND ACCOUNT.

(A) The Provider Services and Quality Assurance Fund Account shall be used for the maintenance, operation, and improvement

required by the Division of Provider Services and Quality Assurance in carrying out its powers, functions, and duties.

(B) The Provider Services and Quality Assurance Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the Division of Provider Services and Quality Assurance;
- (iii) Federal reimbursement received on account of eligible expenditures for the administration of medical services programs or other programs; and
- (iv) Any other nonfederal grant funds provided by law.

History. Acts 1973, No. 750, § 6; 1975, No. 868, § 3; 1977, No. 955, §§ 4-6; 1977 (1st Ex. Sess.), No. 7, § 2; 1979, No. 1115, § 4; 1981, No. 938, §§ 2, 3; 1983, No. 801, §§ 4-15; 1985, No. 888, § 5; A.S.A. 1947, § 13-521; Acts 1987, No. 928, § 1; 1989, No. 629, § 5; 1991, No. 1135, §§ 4, 16; 1993, No. 1073, §§ 4, 24; 1994 (2nd Ex. Sess.), No. 27, § 1; 1995, No. 1163, § 11; 1997, No. 1007, § 3; 1997, No. 1360, § 82; 1999, No. 1463, § 7; 1999, No. 1537, § 100; 2003 (1st Ex. Sess.), No. 17, § 10; 2003 (1st Ex. Sess.), No. 55, §§ 6-8; 2007, No. 1032, §§ 8-10; 2007, No. 1201, §§ 8-10; 2009, No. 1414, § 8; 2011, No. 42, § 4; 2011, No. 1095, § 5; 2011, No. 1115, § 5; 2017, No. 913, §§ 1, 47, 48; 2018, No. 259, § 5; 2018, No. 260, § 5; 2019, No. 910, §§ 5160, 5161.

A.C.R.C. Notes. Identical Acts 2018, Nos. 259 and 260, § 1, provided: “The purpose of this act is to amend the Revenue Stabilization Law and to create funds, to repeal funds, and to make transfers to and from funds and fund accounts.”

Identical Acts 2018, Nos. 259 and 260, § 9, provided: “DUPLICATE ACTS. If HB1137 and SB122 of the 2018 Fiscal

Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other.”

Amendments. The 2017 amendment substituted “Division of Aging, Adult, and Behavioral Health Services” or “Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services” for “Division of Behavioral Health Services” in (1)(A), (7)(A), (7)(B)(iii), and (7)(B)(iv); in (6)(A), inserted “and shared business services” and deleted “and of the Office of Finance and Administration of the Department of Human Services, and the Division of Community Service and Nonprofit Support of the Department of Human Services as set out in § 25-10-128” at the end.

The 2018 amendment by identical acts Nos. 259 and 260 added (13).

The 2019 amendment substituted “Secretary of the Department of Human Services” for “Director of the Department of Human Services” in (6)(A); and substituted “Division of Elementary and Secondary Education” for “Department of Education” in (9)(B)(iv).

19-5-307. Public Health Fund.

(a) The Public Health Fund shall be used for the maintenance, operation, and improvement required by the regional health centers and the various divisions of the Department of Health in carrying out the powers, functions, and duties as set out in § 20-7-102 et seq. or other duties imposed by law upon:

- (1) The Department of Health;
- (2) The Secretary of the Department of Health;
- (3) The State Board of Health;

(4) The Secretary of the State Board of Health, or the State Health Officer, whose office was transferred under § 25-9-101 [repealed] to the Department of Health; and

(5) The State Cancer Commission, which was transferred to the Department of Health by § 25-9-101 [repealed].

(b) The Public Health Fund shall consist of:

(1) Those special revenues as set out in § 19-6-301(41), (65), (68), (69), (80), (97), (131), (132), (133), (136), (137), (140), (141), (142), (143), (144), (147), (155), (166), (177), (194), (204), (205), (250), and that portion of § 19-6-301(58) of the Revenue Classification Law, § 19-6-101 et seq.;

(2) General revenues as may be provided by law;

(3) Nonrevenue income derived from services provided by the various divisions of the Department of Health;

(4) Federal reimbursement received on account of eligible expenditures by the various divisions of the Department of Health;

(5) Other funds as may be provided by law;

(6) Moneys transferred or deposited from the State Administration of Justice Fund to support alcoholism treatment programs and for use in the drug abuse prevention and treatment program of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(7) Amusement machine revenues over thirty thousand dollars (\$30,000), as set out in § 26-57-407; and

(8) Criminal, civil, and administrative penalties collected under the Arkansas Lead-Based Paint-Hazard Act of 2011, § 20-27-2501 et seq.

History. Acts 1973, No. 750, § 6; 1983, No. 801, § 8; 1985, No. 888, § 6; A.S.A. 1947, § 13-521; Acts 1989, No. 629, § 6; 1991, No. 1135, § 5; 1993, No. 1073, § 5; 1995, No. 1032, § 8; 1995, No. 1296, § 71; 1997, No. 1248, § 9; 1999, No. 1463, § 8; 2001, No. 1646, § 4; 2003 (1st Ex. Sess.), No. 55, § 9; 2005, No. 2282, § 4; 2005, No. 2316, § 4; 2007, No. 1032, § 11; 2007, No. 1201, § 11; 2010, No. 262, § 2; 2010, No. 296, § 2; 2011, No. 856, § 4; 2013, No.

1107, § 17; 2014, No. 290, § 2; 2014, No. 299, § 2; 2017, No. 913, § 49; 2019, No. 910, § 4915.

Amendments. The 2017 amendment substituted “Division of Aging, Adult, and Behavioral Health Services” for “Division of Behavioral Health Services” in (b)(6).

The 2019 amendment substituted “Secretary of the Department of Health” for “Director of the Department of Health” in (a)(2).

19-5-311. Technical college funds created.

(a)(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Black River Technical College Fund”, there to be used for the maintenance, operation, and improvement of Black River Technical College.

(2) The Black River Technical College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Black River Technical College which are required to be deposited into the State Treasury by law.

(b)(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “University of Arkansas — Pulaski Technical College Fund”, there to be used for the maintenance, operation, and improvement of University of Arkansas — Pulaski Technical College.

(2) The University of Arkansas — Pulaski Technical College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas — Pulaski Technical College which are required to be deposited into the State Treasury by law.

History. Acts 1991, No. 930, § 3; 1991, No. 931, § 3; 1991, No. 935, § 3; 1991, No. 936, § 3; 1991, No. 937, § 3; 1991, No. 938, § 3; 1991, No. 939, § 3; 1991, No. 940, § 3; 1991, No. 942, § 3; 1991, No. 944, § 3; 1991, No. 945, § 3; 1991, No. 1195, § 3; 1993, No. 1073, §§ 16, 18; 1995, No. 1163, §§ 12, 13; 1997, No. 1248,

§§ 10, 27; 1999, No. 1463, §§ 9-11; 2003 (1st Ex. Sess.), No. 55, §§ 10-13; 2012, No. 271, § 2; 2012, No. 287, § 2; 2017, No. 178, § 7.

Amendments. The 2017 amendment inserted “University of Arkansas” before “Pulaski Technical College” throughout (b)(1) and (b)(2).

SUBCHAPTER 4 — DISTRIBUTION OF GENERAL REVENUES

SECTION.

19-5-401. Allocations for fiscal year 2019-2020 and thereafter.

19-5-402. Maximum allocations of rev-

enues for fiscal year 2019-2020 and thereafter.

Effective Dates. Identical Acts 2017, Nos. 1083 and 1127, § 26: July 1, 2017. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period is later than July 1, 2017, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017”.

Identical Acts 2018, Nos. 259 and 260, § 10: July 1, 2018.

Identical Acts 2019, Nos. 998 and 1024, § 11: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period after adjournment sine die is later than July 1, 2019, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-5-401. Allocations for fiscal year 2019-2020 and thereafter.

Commencing with the fiscal year beginning July 1, 2019, and each fiscal year thereafter, the Treasurer of State shall transfer all remain-

ing general revenues available for distribution on the last day of business in July 2019, and on the last day of business in each calendar month thereafter during the fiscal year to the various funds and fund accounts participating in general revenues in the proportions of the maximum allocation as the individual allocation to the fund or fund account bears to the total of the maximum allocation as provided in § 19-5-402(a)-(c).

History. Acts 1973, No. 750, § 11; 1974 (1st Ex. Sess.), No. 90, § 1; 1975, No. 868, § 15; 1977, No. 955, § 1; 1977 (1st Ex. Sess.), No. 7, § 1; 1979, No. 1115, § 1; 1981, No. 937, § 1; 1983, No. 801, § 12; 1983 (1st Ex. Sess.), No. 119, § 1; 1985, No. 888, § 25; A.S.A. 1947, § 13-515; Acts 1987, No. 928, § 15; 1989, No. 629, § 14; 1991, No. 1135, § 12; 1993, No. 1073, § 30; 1995, No. 1163, § 31; 1997, No. 1248, § 28; 1999, No. 1463, § 30; 2001, No. 1646, § 29; 2003 (1st Ex. Sess.), No. 55, § 39; 2005, No. 2282, § 16; 2005, No. 2316, § 16; 2007, No. 1032, § 34; 2007, No. 1201, § 34; 2009, No. 1440, § 7; 2009, No. 1441, § 7; 2010, No. 262, § 12; 2010, No. 296, § 12; 2011, No. 1095, § 16; 2011, No. 1115, § 16; 2012, No. 271, § 6; 2012, No. 287, § 6; 2013, No. 1516, § 3; 2013, No. 1517, § 3; 2014, No. 290, § 9; 2014, No. 299, § 9; 2015, No. 1144, § 9; 2015, No. 1145, § 9; 2016, No. 242, § 3; 2016, No. 270, § 3; 2017, No. 1083, § 22; 2017, No. 1127, § 22; 2018, No. 259, § 3; 2018, No. 260, § 3; 2019, No. 998, § 8; 2019, No. 1024, § 8.

A.C.R.C. Notes. Identical Acts 2017, Nos. 1083 and 1127, § 1, provided: "The purpose of this act is to amend the Revenue Stabilization Law."

Identical Acts 2017, Nos. 1083 and 1127, § 24, provided: "DUPLICATE ACTS. If HB1548 and SB295 of the 2017 Regular Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other."

Identical Acts 2018, Nos. 259 and 260, § 1, provided: "The purpose of this act is to amend the Revenue Stabilization Law

and to create funds, to repeal funds, and to make transfers to and from funds and fund accounts."

Identical Acts 2018, Nos. 259 and 260, § 9, provided: "DUPLICATE ACTS. If HB1137 and SB122 of the 2018 Fiscal Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other."

Identical Acts 2019, Nos. 998 and 1024, § 1, provided: "The purpose of this act is to amend the Revenue Stabilization Law, § 19-5-101 et seq."

Identical Acts 2019, Nos. 998 and 1024, § 10, provided: "DUPLICATE ACTS. If HB1876 and SB597 of the 2019 Regular Session of the 92nd General Assembly are both enacted and adopted by the 92nd General Assembly in identical form, then the last Act passed or latest expression shall supersede the other".

Amendments. The 2017 amendment by identical acts Nos. 1083 and 1127 substituted "2017-2018" for "2016-2017" in the section heading; and, in the section, substituted "July 1, 2017" for "July 1, 2016", and "July 2017" for "July 2016".

The 2018 amendment by identical acts Nos. 259 and 260 substituted "2018-2019" for "2017-2018" in the section heading; and, in the section, substituted "July 1, 2018" for "July 1, 2017" and "July 2018" for "July 2017".

The 2019 amendment by identical acts Nos. 998 and 1024 substituted "2019-2020" for "2018-2019" in the section heading; substituted "July 1, 2019" for "July 1, 2018"; substituted "July 2019" for "July 2018"; and substituted "§ 19-5-402 (a)-(c)" for "§ 19-5-402(a) and (b)".

19-5-402. Maximum allocations of revenues for fiscal year 2019-2020 and thereafter.

(a)(1). The Treasurer of State shall first make monthly allocations in the proportions set out in this subsection to the funds and fund accounts

listed below until there has been transferred a total of five billion five hundred ninety-eight million eight thousand one hundred forty-nine dollars (\$5,598,008,149) or so much thereof as may become available; provided, that the Treasurer of State shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth in this subsection:

Name of Fund or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	
(1) Division of Elementary and Secondary Education Public School Fund Account	\$2,156,851,204
(2) State Library Public School Fund Account	\$ 5,641,919
(3) Division of Career and Technical Education Public School Fund Account	\$ 31,964,521
EDUCATION FUND	
(1) Division of Elementary and Secondary Education Fund Account	\$ 16,298,264
(2) Educational Facilities Partnership Fund Account	\$ 41,828,951
(3) Division of Public School Academic Facilities and Transportation Fund Account	\$ 2,617,738
(4) Educational Television Fund Account	\$ 5,465,076
(5) School for the Blind Fund Account	\$ 7,234,724
(6) School for the Deaf Fund Account	\$ 10,511,853
(7) State Library Fund Account	\$ 3,615,572
(8) Division of Career and Technical Education Fund Account	\$ 4,802,243
(9) Rehabilitation Services Fund Account Technical Institutes	\$ 12,910,638
(10) Northwest Technical Institute Fund Account	\$ 3,148,724
(11) Riverside Vocational Technical School Fund Account	\$ 2,353,432
DEPARTMENT OF HUMAN SERVICES FUND	
(1) Department of Human Services Administration Fund Account	\$ 23,961,086
(2) Children and Family Services Fund Account	\$ 125,202,457
(3) Child Care and Early Childhood Education Fund Account	\$ 2,114,627
(4) Youth Services Fund Account	\$ 48,769,900
(5) Developmental Disabilities Services Fund Account	\$ 66,983,723
(6) Medical Services Fund Account	\$ 2,337,188
(7) Department of Human Services Grants Fund Account	\$1,251,591,562

Name of Fund or Fund Account	Maximum Allocation
(8) Behavioral Health Services Fund Account	\$ 96,415,813
(9) State Services for the Blind Fund Account	\$ 1,965,700
(10) County Operations Fund Account	\$ 48,185,582
(11) Provider Services and Quality Assurance Fund Account	\$ 5,385,624

STATE GENERAL GOVERNMENT FUND

(1) Division of Arkansas Heritage Fund Account	\$ 7,512,712
(2) Department of Agriculture Fund Account	\$ 17,716,231
(3) Department of Labor and Licensing Fund Account	\$ 3,227,813
(4) Department of Higher Education Fund Account	\$ 11,401,648
(5) Higher Education Grants Fund Account	\$ 40,017,466
(6) Arkansas Economic Development Commission Fund Account	\$ 14,815,619
(7) Division of Correction Inmate Care and Custody Fund Account	\$ 358,381,920
(8) Division of Community Correction Fund Account	\$ 91,025,675
(9) Department of the Military Fund Account	\$ 9,313,129
(10) Parks and Tourism Fund Account	\$ 20,775,547
(11) Division of Environmental Quality Fund Account	\$ 3,965,422
(12) Miscellaneous Agencies Fund Account	\$ 60,393,652

COUNTY AID FUND	\$ 21,428,616
COUNTY JAIL REIMBURSEMENT FUND	\$ 18,263,607
CRIME INFORMATION SYSTEM FUND	\$ 3,759,593
CHILD SUPPORT ENFORCEMENT FUND	\$ 12,984,053
PUBLIC HEALTH FUND	\$ 81,904,015
PERFORMANCE FUND	\$ -
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$ 3,000,000
MUNICIPAL AID FUND	\$ 29,372,099
DIVISION OF ARKANSAS STATE POLICE FUND	\$ 69,308,454
DIVISION OF WORKFORCE SERVICES FUND	\$ 3,864,840

INSTITUTIONS OF HIGHER EDUCATION

(1) ARKANSAS STATE UNIVERSITY FUND	\$ 58,876,246
(2) ARKANSAS TECH UNIVERSITY FUND	\$ 32,538,697
(3) HENDERSON STATE UNIVERSITY FUND	\$ 18,971,741
(4) SOUTHERN ARKANSAS UNIVERSITY FUND	\$ 15,740,826
(5) UNIVERSITY OF ARKANSAS FUND	\$ 118,711,855

Name of Fund or Fund Account	Maximum Allocation
(6) UNIVERSITY OF ARKANSAS FUND-UA SYSTEM	\$ 3,417,950
(7) UNIVERSITY OF ARKANSAS FUND-ARCHEOLOGICAL SURVEY	\$ 2,327,380
(8) UNIVERSITY OF ARKANSAS FUND-DIVISION OF AGRICULTURE	\$ 62,800,138
(9) UNIVERSITY OF ARKANSAS FUND-CLINTON SCHOOL	\$ 2,295,575
(10) UNIVERSITY OF ARKANSAS FUND-CRIMINAL JUSTICE INSTITUTE	\$ 1,825,769
(11) SCHOOL FOR MATH, SCIENCES, AND ARTS FUND	\$ 1,113,015
(12) UNIVERSITY OF ARKANSAS AT FORT SMITH FUND	\$ 20,574,769
(13) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	\$ 60,444,730
(14) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND	\$ 86,456,661
(15) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - CHILD SAFETY CENTER	\$ 720,588
(16) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - INDIGENT CARE	\$ 5,342,181
(17) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - CHILD ABUSE/RAPE/DOMESTIC VIOLENCE	\$ 735,000
(18) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - PEDIATRICS/PSYCHIATRIC RESEARCH	\$ 1,950,000
(19) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	\$ 15,786,582
(20) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	\$ 25,567,663
(21) UNIVERSITY OF CENTRAL ARKANSAS FUND	\$ 53,645,852
(22) ARKANSAS NORTHEASTERN COLLEGE FUND	\$ 8,491,281
(23) ARKANSAS STATE UNIVERSITY - BEEBE FUND	\$ 11,929,786
(24) ARKANSAS STATE UNIVERSITY - MOUNTAIN HOME FUND	\$ 3,684,591
(25) ARKANSAS STATE UNIVERSITY - NEWPORT FUND	\$ 6,052,216
(26) COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ 3,429,760

Name of Fund or Fund Account	Maximum Allocation
(27) EAST ARKANSAS COMMUNITY COLLEGE FUND	\$ 8,348,134
(28) ARKANSAS STATE UNIVERSITY MID-SOUTH FUND	\$ 3,896,588
(29) ARKANSAS STATE UNIVERSITY MID-SOUTH FUND - ADTEC	\$ 1,500,000
(30) NATIONAL PARK COLLEGE FUND	\$ 8,956,024
(31) NORTH ARKANSAS COLLEGE FUND	\$ 7,925,968
(32) NORTHWEST ARKANSAS COMMUNITY COLLEGE FUND	\$ 10,619,202
(33) PHILLIPS COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ 8,972,457
(34) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT RICH MOUNTAIN FUND	\$ 3,174,800
(35) SAU - TECH FUND	\$ 5,648,456
(36) SAU - TECH FUND - ENVIRONMENTAL CONTROL CENTER	\$ 368,404
(37) SAU - TECH FUND - FIRE TRAINING ACADEMY	\$ 1,651,221
(38) SOUTH ARKANSAS COMMUNITY COLLEGE FUND	\$ 6,034,307
(39) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT BATESVILLE FUND	\$ 4,131,061
(40) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT HOPE-TEXARKANA FUND	\$ 4,536,917
(41) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT MORRILTON FUND	\$ 4,985,709
(42) BLACK RIVER TECHNICAL COLLEGE FUND	\$ 6,052,381
(43) COLLEGE OF THE OUACHITAS FUND	\$ 3,523,733
(44) OZARKA COLLEGE FUND	\$ 3,095,210
(45) UNIVERSITY OF ARKANSAS - PULASKI TECHNICAL COLLEGE FUND	\$ 14,986,063
(46) SOUTHEAST ARKANSAS COLLEGE FUND	\$ 5,580,430

(2) Fifteen million eight hundred seventy-seven thousand four hundred seventy-six dollars (\$15,877,476), or so much thereof as is available shall be included and added to the amount distributed in subdivision (a)(1) of this section and shall be distributed by the Treasurer of State in monthly amounts with each allocation's proportion of the total of subdivision (a)(1) of this section, this subdivision (a)(2), and subdivision (a)(3)(A) of this section to supplement the Rainy Day Fund.

(3)(A) Five million nine hundred nine thousand dollars (\$5,909,000) shall be included and added to the amount distributed in subdivision (a)(1) of this section and distributed by the Treasurer of State in

monthly amounts to the Arkansas Medicaid Program Trust Fund under § 19-5-985.

(B) The amount allocated in subdivision (a)(3)(A) of this section or so much thereof as is available shall be distributed by the Treasurer of State in monthly amounts with each allocation's proportion of the total of subdivisions (a)(1) and (2) of this section and subdivision (a)(3)(A) of this section to supplement the Arkansas Medicaid Program Trust Fund.

(b) After making the maximum annual allocations provided for in subdivisions (a)(1) and (2) of this section and subdivision (a)(3)(A) of this section, the Treasurer of State shall then make allocations from the remaining general revenues available for distribution, as set forth in this subsection, to the funds and fund accounts listed below until there has been transferred a total of one hundred fifteen million six hundred twenty-six thousand one hundred thirty dollars (\$115,626,130) or so much thereof that may become available; provided, that the Treasurer of State shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth in this subsection:

Name of Fund or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	
(1) Division of Elementary and Secondary Education Public School Fund Account	\$ 30,818,606
(2) State Library Public School Fund Account	\$ -
(3) Division of Career and Technical Education Public School Fund Account	\$ -
EDUCATION FUND	
(1) Division of Elementary and Secondary Education Fund Account	\$ -
(2) Educational Facilities Partnership Fund Account	\$ -
(3) Division of Public School Academic Facilities and Transportation Fund Account	\$ -
(4) Educational Television Fund Account	\$ -
(5) School for the Blind Fund Account	\$ -
(6) School for the Deaf Fund Account	\$ -
(7) State Library Fund Account	\$ -
(8) Division of Career and Technical Education Fund Account	\$ -
(9) Rehabilitation Services Fund Account	\$ -
Technical Institutes	
(10) Northwest Technical Institute Fund Account	\$ -
(11) Riverside Vocational Technical School Fund Account	\$ -

Name of Fund or Fund Account	Maximum Allocation
DEPARTMENT OF HUMAN SERVICES FUND	
(1) Department of Human Services Administration Fund Account	\$ -
(2) Children and Family Services Fund Account	\$ -
(3) Child Care and Early Childhood Education Fund Account	\$ -
(4) Youth Services Fund Account	\$ -
(5) Developmental Disabilities Services Fund Account	\$ -
(6) Medical Services Fund Account	\$ -
(7) Department of Human Services Grants Fund Account	\$ 61,623,904
(8) Behavioral Health Services Fund Account	\$ 2,500,000
(9) State Services for the Blind Fund Account	\$ -
(10) County Operations Fund Account	\$ -
(11) Provider Services and Quality Assurance Fund Account	\$ -
STATE GENERAL GOVERNMENT FUND	
(1) Division of Arkansas Heritage Fund Account	\$ -
(2) Department of Agriculture Fund Account	\$ -
(3) Department of Labor and Licensing Fund Account	\$ -
(4) Department of Higher Education Fund Account	\$ -
(5) Higher Education Grants Fund Account	\$ -
(6) Arkansas Economic Development Commission Fund Account	\$ -
(7) Division of Correction Inmate Care and Custody Fund Account	\$ 2,609,818
(8) Division of Community Correction Fund Account	\$ 2,465,958
(9) Department of the Military Fund Account	\$ -
(10) Parks and Tourism Fund Account	\$ -
(11) Division of Environmental Quality Fund Account	\$ -
(12) Miscellaneous Agencies Fund Account	\$ 954,718
COUNTY AID FUND	\$ -
COUNTY JAIL REIMBURSEMENT FUND	\$ -
CRIME INFORMATION SYSTEM FUND	\$ -
CHILD SUPPORT ENFORCEMENT FUND	\$ -
PUBLIC HEALTH FUND	\$ -
PERFORMANCE FUND	\$ -
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$ -
MUNICIPAL AID FUND	\$ -

Name of Fund or Fund Account	Maximum Allocation
DIVISION OF ARKANSAS STATE POLICE FUND	\$ 2,304,001
DIVISION OF WORKFORCE SERVICES FUND	\$ -
INSTITUTIONS OF HIGHER EDUCATION	
(1) ARKANSAS STATE UNIVERSITY FUND	\$ -
(2) ARKANSAS TECH UNIVERSITY FUND	\$ 271,166
(3) HENDERSON STATE UNIVERSITY FUND	\$ 75,980
(4) SOUTHERN ARKANSAS UNIVERSITY FUND	\$ 1,801,893
(5) UNIVERSITY OF ARKANSAS FUND	\$ 3,304,143
(6) UNIVERSITY OF ARKANSAS FUND-UA SYSTEM	\$ 61,523
(7) UNIVERSITY OF ARKANSAS FUND-ARCHEOLOGICAL SURVEY	\$ 41,893
(8) UNIVERSITY OF ARKANSAS FUND-DIVISION OF AGRICULTURE	\$ 1,130,402
(9) UNIVERSITY OF ARKANSAS FUND-CLINTON SCHOOL	\$ 41,320
(10) UNIVERSITY OF ARKANSAS FUND-CRIMINAL JUSTICE INSTITUTE	\$ 32,864
(11) SCHOOL FOR MATH, SCIENCES, AND ARTS FUND	\$ 20,034
(12) UNIVERSITY OF ARKANSAS AT FORT SMITH FUND	\$ -
(13) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	\$ -
(14) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND	\$ 1,556,220
(15) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - CHILD SAFETY CENTER	\$ 12,971
(16) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - INDIGENT CARE	\$ 96,159
(17) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - CHILD ABUSE/RAPE/DOMESTIC VIOLENCE	\$ 13,230
(18) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - PEDIATRICS/PSYCHIATRIC RESEARCH	\$ 35,100
(19) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	\$ -
(20) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	\$ 279,922
(21) UNIVERSITY OF CENTRAL ARKANSAS FUND	\$ 655,962

Name of Fund or Fund Account	Maximum Allocation
(22) ARKANSAS NORTHEASTERN COLLEGE FUND	\$ -
(23) ARKANSAS STATE UNIVERSITY - BEEBE FUND	\$ -
(24) ARKANSAS STATE UNIVERSITY - MOUNTAIN HOME FUND	\$ 156,235
(25) ARKANSAS STATE UNIVERSITY - NEWPORT FUND	\$ 921,406
(26) COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ 182,842
(27) EAST ARKANSAS COMMUNITY COLLEGE FUND	\$ -
(28) ARKANSAS STATE UNIVERSITY MID-SOUTH FUND	\$ 48,912
(29) ARKANSAS STATE UNIVERSITY MID-SOUTH FUND - ADTEC	\$ 27,000
(30) NATIONAL PARK COLLEGE FUND	\$ -
(31) NORTH ARKANSAS COLLEGE FUND	\$ -
(32) NORTHWEST ARKANSAS COMMUNITY COLLEGE FUND	\$ 787,056
(33) PHILLIPS COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ -
(34) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT RICH MOUNTAIN FUND	\$ -
(35) SAU - TECH FUND	\$ -
(36) SAU - TECH FUND - ENVIRONMENTAL CONTROL CENTER	\$ 6,631
(37) SAU - TECH FUND - FIRE TRAINING ACADEMY	\$ 29,722
(38) SOUTH ARKANSAS COMMUNITY COLLEGE FUND	\$ 218,484
(39) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT BATESVILLE FUND	\$ 64,112
(40) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT HOPE-TEXARKANA FUND	\$ 475,943
(41) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT MORRILTON FUND	\$ -
(42) BLACK RIVER TECHNICAL COLLEGE FUND	\$ -
(43) COLLEGE OF THE OUACHITAS FUND	\$ -
(44) OZARKA COLLEGE FUND	\$ -
(45) UNIVERSITY OF ARKANSAS - PULASKI TECHNICAL COLLEGE FUND	\$ -
(46) SOUTHEAST ARKANSAS COLLEGE FUND	\$ -

(c) Then after making the maximum annual allocations provided for in subsection (b) of this section, the Treasurer of State shall then make allocations from the remaining general revenues available for distribution, as set forth in this subsection, to the funds and fund accounts listed below until there has been transferred a total of fourteen million seven hundred eighty-five thousand dollars (\$14,785,000) or so much thereof that may become available; provided, that the Treasurer of State shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth in this subsection:

Name of Fund or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	
(1) Division of Elementary and Secondary Education Public School Fund Account	\$ -
(2) State Library Public School Fund Account	\$ -
(3) Division of Career and Technical Education Public School Fund Account	\$ -
EDUCATION FUND	
(1) Division of Elementary and Secondary Education Fund Account	\$ -
(2) Educational Facilities Partnership Fund Account	\$ -
(3) Division of Public School Academic Facilities and Transportation Fund Account	\$ -
(4) Educational Television Fund Account	\$ -
(5) School for the Blind Fund Account	\$ -
(6) School for the Deaf Fund Account	\$ -
(7) State Library Fund Account	\$ -
(8) Division of Career and Technical Education Fund Account	\$ -
(9) Rehabilitation Services Fund Account	\$ -
Technical Institutes	
(10) Northwest Technical Institute Fund Account	\$ -
(11) Riverside Vocational Technical School Fund Account	\$ -
DEPARTMENT OF HUMAN SERVICES FUND	
(1) Department of Human Services Administration Fund Account	\$ -
(2) Children and Family Services Fund Account	\$ -
(3) Child Care and Early Childhood Education Fund Account	\$ -
(4) Youth Services Fund Account	\$ -
(5) Developmental Disabilities Services Fund Account	\$ -

Name of Fund or Fund Account	Maximum Allocation
(6) Medical Services Fund Account	\$ -
(7) Department of Human Services Grants Fund Account	\$ -
(8) Behavioral Health Services Fund Account	\$ -
(9) State Services for the Blind Fund Account	\$ -
(10) County Operations Fund Account	\$ -
(11) Provider Services and Quality Assurance Fund Account	\$ -

STATE GENERAL GOVERNMENT FUND

(1) Division of Arkansas Heritage Fund Account	\$ -
(2) Department of Agriculture Fund Account	\$ -
(3) Department of Labor and Licensing Fund Account	\$ -
(4) Department of Higher Education Fund Account	\$ -
(5) Higher Education Grants Fund Account	\$ -
(6) Arkansas Economic Development Commission Fund Account	\$ -
(7) Division of Correction Inmate Care and Custody Fund Account	\$ -
(8) Division of Community Correction Fund Account	\$ -
(9) Department of the Military Fund Account	\$ -
(10) Parks and Tourism Fund Account	\$ -
(11) Division of Environmental Quality Fund Account	\$ -
(12) Miscellaneous Agencies Fund Account	\$ -

COUNTY AID FUND	\$ -
COUNTY JAIL REIMBURSEMENT FUND	\$ -
CRIME INFORMATION SYSTEM FUND	\$ -
CHILD SUPPORT ENFORCEMENT FUND	\$ -
PUBLIC HEALTH FUND	\$ -
PERFORMANCE FUND	\$ 14,785,000
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$ -
MUNICIPAL AID FUND	\$ -
DIVISION OF ARKANSAS STATE POLICE FUND	\$ -
DIVISION OF WORKFORCE SERVICES FUND	\$ -
DIVISION OF INFORMATION SYSTEMS REVOLVING FUND	\$ -

INSTITUTIONS OF HIGHER EDUCATION

(1) ARKANSAS STATE UNIVERSITY FUND	\$ -
(2) ARKANSAS TECH UNIVERSITY FUND	\$ -

Name of Fund or Fund Account	Maximum Allocation
(3) HENDERSON STATE UNIVERSITY FUND	\$ -
(4) SOUTHERN ARKANSAS UNIVERSITY FUND	\$ -
(5) UNIVERSITY OF ARKANSAS FUND	\$ -
(6) UNIVERSITY OF ARKANSAS FUND-UA SYSTEM	\$ -
(7) UNIVERSITY OF ARKANSAS FUND-ARCHEOLOGICAL SURVEY	\$ -
(8) UNIVERSITY OF ARKANSAS FUND-DIVISION OF AGRICULTURE	\$ -
(9) UNIVERSITY OF ARKANSAS FUND-CLINTON SCHOOL	\$ -
(10) UNIVERSITY OF ARKANSAS FUND-CRIMINAL JUSTICE INSTITUTE	\$ -
(11) SCHOOL FOR MATH, SCIENCES, AND ARTS FUND	\$ -
(12) UNIVERSITY OF ARKANSAS AT FORT SMITH FUND	\$ -
(13) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	\$ -
(14) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND	\$ -
(15) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - CHILD SAFETY CENTER	\$ -
(16) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - INDIGENT CARE	\$ -
(17) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - CHILD ABUSE/RAPE/DOMESTIC VIOLENCE	\$ -
(18) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - PEDIATRICS/PSYCHIATRIC RESEARCH	\$ -
(19) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	\$ -
(20) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	\$ -
(21) UNIVERSITY OF CENTRAL ARKANSAS FUND	\$ -
(22) ARKANSAS NORTHEASTERN COLLEGE FUND	\$ -
(23) ARKANSAS STATE UNIVERSITY - BEEBE FUND	\$ -
(24) ARKANSAS STATE UNIVERSITY - MOUNTAIN HOME FUND	\$ -

Name of Fund or Fund Account	Maximum Allocation
(25) ARKANSAS STATE UNIVERSITY - NEWPORT FUND	\$ -
(26) COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ -
(27) EAST ARKANSAS COMMUNITY COLLEGE FUND	\$ -
(28) ARKANSAS STATE UNIVERSITY MID-SOUTH FUND	\$ -
(29) ARKANSAS STATE UNIVERSITY MID-SOUTH FUND - ADTEC	\$ -
(30) NATIONAL PARK COLLEGE FUND	\$ -
(31) NORTH ARKANSAS COLLEGE FUND	\$ -
(32) NORTHWEST ARKANSAS COMMUNITY COLLEGE FUND	\$ -
(33) PHILLIPS COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ -
(34) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT RICH MOUNTAIN FUND	\$ -
(35) SAU - TECH FUND	\$ -
(36) SAU - TECH FUND - ENVIRONMENTAL CONTROL CENTER	\$ -
(37) SAU - TECH FUND - FIRE TRAINING ACADEMY	\$ -
(38) SOUTH ARKANSAS COMMUNITY COLLEGE FUND	\$ -
(39) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT BATESVILLE FUND	\$ -
(40) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT HOPE-TEXARKANA FUND	\$ -
(41) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT MORRILTON FUND	\$ -
(42) BLACK RIVER TECHNICAL COLLEGE FUND	\$ -
(43) COLLEGE OF THE OUACHITAS FUND	\$ -
(44) OZARKA COLLEGE FUND	\$ -
(45) UNIVERSITY OF ARKANSAS - PULASKI TECHNICAL COLLEGE FUND	\$ -
(46) SOUTHEAST ARKANSAS COLLEGE FUND	\$ -

History. Acts 1973, No. 750, § 11; 1974 (1st Ex. Sess.), No. 90, § 1; 1975, No. 868, § 15; 1977, No. 955, § 1; 1977 (1st Ex. Sess.), No. 7, § 1; 1979, No. 1115, § 1; 1981, No. 937, § 1; 1983, No. 801, § 12; 1983 (1st Ex. Sess.), No. 119, § 1; 1985, No. 888, § 25; A.S.A. 1947, § 13-515; Acts 1987, No. 928, § 15; 1989, No. 629, § 15; 1991, No. 1135, § 14; 1993, No. 1073, § 32; 1995, No. 1163, § 32; 1997, No. 1248, § 29; 1999, No. 1463, § 31; 2001, No. 1646, § 30; 2003 (1st Ex. Sess.), No. 55, § 40; 2005, No. 2282, § 17; 2005, No. 2316, § 17; 2007, No. 1032, § 35; 2007,

No. 1201, § 35; 2009, No. 1440, § 8; 2009, No. 1441, § 8; 2010, No. 262, § 13; 2010, No. 296, § 13; 2011, No. 1095, § 17; 2011, No. 1115, § 17; 2012, No. 271, § 7; 2012, No. 287, § 7; 2013, No. 1516, § 4; 2013, No. 1517, § 4; 2014, No. 290, § 10; 2014, No. 299, § 10; 2014 (2nd Ex. Sess.), No. 1, § 2; 2014 (2nd Ex. Sess.), No. 5, § 2; 2015, No. 1144, § 10; 2015, No. 1145, § 10; 2016, No. 242, § 4; 2016, No. 270, § 4; 2017, No. 141, § 1; 2017, No. 1083, § 23; 2017, No. 1127, § 23; 2018, No. 259, § 4; 2018, No. 260, § 4; 2019, No. 998, § 9; 2019, No. 1024, § 9.

A.C.R.C. Notes. Identical Acts 2017, Nos. 1083 and 1127, § 1, provided: “The purpose of this act is to amend the Revenue Stabilization Law.”

Identical Acts 2017, Nos. 1083 and 1127, § 24, provided: “**DUPLICATE ACTS.** If HB1548 and SB295 of the 2017 Regular Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other.”

Identical Acts 2017, Nos. 1083 and 1127, § 25, provided: “It is the intent of the General Assembly that if the Official General Revenue Forecast reduces the maximum annual allocations provided for in subsection (b) of this Act [§ 19-5-402(b)], the reduction or elimination of funding in allocation (b) [§ 19-5-402(b)] Department of Education Public School Fund Account shall only reduce funding for items identified by the Department of

Education that are not necessary to provide public school students an equal opportunity for an adequate education.”

Identical Acts 2018, Nos. 259 and 260, § 1, provided: “The purpose of this act is to amend the Revenue Stabilization Law and to create funds, to repeal funds, and to make transfers to and from funds and fund accounts.”

Identical Acts 2018, Nos. 259 and 260, § 9, provided: “**DUPLICATE ACTS.** If HB1137 and SB122 of the 2018 Fiscal Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other.”

Identical Acts 2019, Nos. 998 and 1024, § 1, provided: “The purpose of this act is to amend the Revenue Stabilization Law, § 19-5-101 et seq.”

Identical Acts 2019, Nos. 998 and 1024, § 10, provided: “**DUPLICATE ACTS.** If HB1876 and SB597 of the 2019 Regular Session of the 92nd General Assembly are both enacted and adopted by the 92nd General Assembly in identical form, then the last Act passed or latest expression shall supersede the other”.

Amendments. The 2017 amendment by No. 141 added (a)(3).

The 2017 amendment by identical acts Nos. 1083 and 1127 rewrote the section.

The 2018 amendment by identical acts Nos. 259 and 260 rewrote the section.

The 2019 amendment by identical acts Nos. 998 and 1024 rewrote the section.

SUBCHAPTER 5 — BUDGET STABILIZATION TRUST FUND

SECTION.

19-5-501. Fund generally.

19-5-502. Loans from fund.

SECTION.

19-5-503. Work release centers.

Effective Dates. Acts 2019, No. 82, § 23: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the General Improvement Fund should no longer be utilized; that the Development and Enhancement Fund is necessary to complete unfinished state projects; and that this act is necessary to address infrastructure needs and unanticipated needs of the State of Arkansas.

Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new de-

partments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should

become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

19-5-501. Fund generally.

(a)(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Budget Stabilization Trust Fund".

(2) The Budget Stabilization Trust Fund shall consist of funds made available and transferred to it from the Securities Reserve Fund as set out in § 19-5-905, the fund balance and other assets remaining in the State Budget Revolving Fund on June 30, 1987, and any other funds made available by law.

(b) The Budget Stabilization Trust Fund shall be used for the purpose of:

(1)(A) Making temporary loans to those funds and fund accounts as set out in § 19-5-401 et seq., to the Division of Correction Farm Fund for farm production purposes, to the Division of Correction Prison Industry Fund, to the Department of Parks, Heritage, and Tourism Fund Account, to the Income Tax Refund Fund, to the Gasoline Tax Refund Fund, to the Interstate Motor Fuel Tax Refund Fund, and to the various funds established in the Revenue Classification Law, § 19-6-101 et seq., and any other funds or fund accounts as may be specified elsewhere in this section. The loans made to the funds and fund accounts set out in § 19-5-401 et seq. shall be repaid on or before June 30 of the fiscal year in which the loan is made, except as provided elsewhere in this section.

(B) The loans made to the Division of Correction Farm Fund are to be repaid on or before June 30 of the fiscal year following the fiscal year in which the loan was made after the amount of the outstanding loan made the previous fiscal year has been reduced by the value of products produced or processed on the farm that were consumed by inmates and other authorized personnel, in amounts as determined and certified by the Legislative Auditor to the Chief Fiscal Officer of the State. Processed beef purchased by the Division of Correction must be U.S. labeled. The value of products produced or processed on the farm that were consumed by inmates and other authorized personnel shall be based upon prices obtained by the Division of Correction and the State Procurement Director for purchasing similar products and quantities on the open market for other state agencies, institutions, and universities. However, the Chief Fiscal Officer of the State may grant an extension not to exceed sixty (60)

days for repayment of loans made to the Division of Correction Farm Fund upon receipt by the Chief Fiscal Officer of the State of a certification by the Director of the Division of Correction that farm products are held in storage or are on hand that exceed in market value the amount of loans that are due, and the Chief Fiscal Officer of the State may grant an additional extension not to exceed sixty (60) days for repayment of the loan made to the Division of Correction Farm Fund, after obtaining the advice of the Legislative Council in regard to a request from the Division of Correction for the additional sixty-day extension for repayment of the loan. Loans made to the Division of Correction Prison Industry Fund for operation expenses shall be repaid on or before June 30 of the fiscal year in which the loan was made, but loans made for the purchase of equipment necessary for implementing the various industries shall be repaid from time to time.

(C)(i) Except as otherwise provided in this subdivision (b)(1)(C), loans made to the Income Tax Refund Fund, to the Gasoline Tax Refund Fund, to the Interstate Motor Fuel Tax Refund Fund, and to those other funds established in the Revenue Classification Law, § 19-6-101 et seq., are to be repaid on the last day of the month of which the loan was made.

(ii) Loans made under subdivision (b)(1)(D) of this section shall be repaid by June 30 of the fiscal year in which the loan was made.

(iii)(a) Loans made to the Department of Human Services Fund during June of any fiscal year for making cash assistance payments to eligible individuals under the Temporary Assistance for Needy Families Program for delivery on or about July 1 of the following fiscal year shall be repaid on or before July 31 of the fiscal year following the fiscal year in which the loan was made.

(b) Loans made to the Department of Human Services for the Developmental Disabilities Services Fund Account and the Behavioral Health Services Fund Account in the last month of a fiscal year for federal reimbursement for Medicaid-eligible services and Medicare-eligible services shall be repaid immediately upon receipt of reimbursement but no later than July 31 of the fiscal year following the fiscal year in which the loan was made.

(D)(i) The maximum amount of funds that may be loaned to the funds established in the Revenue Classification Law, § 19-6-101 et seq., shall be one hundred fifty percent (150%) of the estimated revenues to be deposited into the State Treasury during that month to the credit of the State Apportionment Fund and which will become available to that operating fund at the end of the month, excluding the Division of Correction Farm Fund, the Division of Correction Prison Industry Fund, the Division of Arkansas State Police Fund, and the State Forestry Fund.

(ii) Except with respect to the funds excluded under this subdivision (b)(1)(D), loans in excess of one hundred percent (100%) shall not be made more than four (4) times per fiscal year per fund.

(iii) Loans and distribution of general revenue funds made to the County Aid Fund and the Municipal Aid Fund are to be made on the basis and to the extent of the funds estimated to be available as stated in § 19-5-402(a) so that an equal monthly distribution of general revenues is made, based upon the Chief Fiscal Officer of the State's monthly forecasts of general revenue distribution.

(E) Temporary loans may be made to the institutions of higher education for operational purposes. In making these loans, the following procedures shall be applicable. The institutions of higher education shall submit requests for loans to both the Director of the Division of Higher Education and the Chief Fiscal Officer of the State setting forth the need for the loan. The requests shall include at least the following:

(i) The current total cash balance of all accounts of the requesting institution's cash funds;

(ii) The reasons why the cash fund balances and their general revenue fund balances are insufficient to meet current obligations;

(iii) The anticipated duration of the loan; and

(iv) A proposed repayment schedule.

(F) The Chief Fiscal Officer of the State and the Director of the Division of Higher Education shall review the request for the loan. The Director of the Division of Higher Education shall recommend, in writing, the approval or disapproval of the loan and the reasons for the recommendation to the Chief Fiscal Officer of the State. The Chief Fiscal Officer of the State shall review the institution's request, the funds available in the Budget Stabilization Trust Fund, and the recommendation of the Director of the Division of Higher Education. The Chief Fiscal Officer of the State may request such additional information as is deemed necessary to make a determination as to whether the request should be approved. If the Chief Fiscal Officer of the State determines that the request is proper and necessary for the operation of the institution and that sufficient funds are available, the Chief Fiscal Officer of the State shall approve the request and establish a repayment schedule for the loan. If the Chief Fiscal Officer of the State determines that the loan is not necessary or required, or that funds are not available, the Chief Fiscal Officer of the State shall deny the request. The Chief Fiscal Officer of the State shall communicate in writing to the institution and to the Director of the Division of Higher Education the reasons for disapproval of the requested loan. All loans made to the institutions of higher education under the provisions of this section shall be repaid in full by June 30 of the fiscal year in which the loan was made. In the event an agency or program is established by the General Assembly which is to be supported solely from other than general revenues or federal funds, the Chief Fiscal Officer of the State may make a temporary loan from the Budget Stabilization Trust Fund to the agency or program to the extent necessary for carrying out the intent of the enabling legislation. The amount of the loan shall be determined by the Chief Fiscal

Officer of the State, and the loans shall be repaid in full by June 30 of the fiscal year in which the loan was made;

(2) Making transfers to the University of Arkansas Fund on account of interest on the University of Arkansas Endowment Fund of an amount which, when added to the interest earned on the investment of the University of Arkansas Endowment Fund, shall not exceed the sum of six thousand six hundred thirty-three dollars and thirty-four cents (\$6,633.34) during any fiscal year;

(3) Making transfers to the Department of the Military Fund Account of the State General Government Fund as established in § 19-5-302(2)(A)-(C) for the purpose of providing reimbursement or immediate funding for expenses incurred by the Department of the Military on behalf of the Arkansas National Guard emergency call-up appropriation;

(4) Making transfers to the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, as established in § 19-5-1005 in order to provide supplemental funding for appropriations supported from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, as may be provided by law;

(5) Providing funding, either in whole or in part, for programs as may be authorized by the General Assembly and which are specified as being funded in whole or in part from the Budget Stabilization Trust Fund;

(6) Making transfers to the State Highway and Transportation Department Fund as may be authorized by law and making transfers not to exceed one million dollars (\$1,000,000) in any one (1) fiscal year to provide the state's proportionate share of each declared emergency or major disaster as required by the federal Disaster Relief Act of 1974;

(7) Making transfers to the Miscellaneous Revolving Fund, as established in § 19-5-1009, to provide funding in whole or in part for appropriations made payable from the Miscellaneous Revolving Fund;

(8) Making temporary advances to the various federal accounts of state agencies upon certification of the pending availability of federal funding by the director of the state agency making the request. However, the requests shall be limited to those occasions whereby the continued operations of the state agency programs would be seriously impaired and unnecessary hardships would be created due to either administrative oversight, delays by the United States Government in forwarding the moneys, or by problems created by the federal fiscal year conversion. Furthermore, upon receipt of the grant award authorizations or letter of credit documents, the state agency director shall certify to the Chief Fiscal Officer of the State the amounts of temporary advances to be recovered, whereby the Chief Fiscal Officer of the State shall make recovery and notify the Treasurer of State and the Auditor of State of the recovery. Furthermore, the temporary advances shall be recovered on or before June 30 of the fiscal year in which the temporary advances were made; and

(9) Those functions formerly performed by the State Budget Revolving Fund.

(c) In addition to the purposes for which the Budget Stabilization Trust Fund may be used as set forth in this section, the Budget Stabilization Trust Fund shall also be used to make temporary loans to the Constitutional Officers Fund and the State Central Services Fund. Loans made to the Constitutional Officers Fund and the State Central Services Fund under the provisions of this section shall be repaid on or before June 30 of the fiscal year in which the loans are made.

(d) The Chief Fiscal Officer of the State is authorized to transfer up to a maximum of four million dollars (\$4,000,000) from the Budget Stabilization Trust Fund to the State Central Services Fund, only in those instances when obligations incurred by the State Central Services Fund are estimated to exceed or are actually exceeding estimated or actual available resources. The transfer shall also be utilized to provide a level of funding, for those appropriations made payable from the State Central Services Fund, equal to the previous year's expenditure or the current year appropriation, whichever is less, in the event that income from all sources does not provide that funding level. Any transfer made as authorized in this section shall require the review and advice of the Legislative Council prior to the transfer of those funds.

History. Acts 1973, No. 750, § 8; 1977, No. 5, § 2; A.S.A. 1947, §§ 13-523a, 13-531; Acts 1987, No. 928, § 9; 1987, No. 945, §§ 4, 7; 1987 (1st Ex. Sess.), No. 14, § 1; 1987 (1st Ex. Sess.), No. 24, § 1; 1987 (1st Ex. Sess.), No. 59, § 1; 1991, No. 1085, § 28; 1993, No. 618, §§ 12, 13; 1993, No. 643, § 1; 1995, No. 171, § 1; 1997, No. 1248, §§ 36, 37; 2001, No. 1646, §§ 5-7; 2011, No. 1095, § 6; 2011, No. 1115, § 6; 2015, No. 537, § 1; 2016 (3rd Ex. Sess.), No. 1, § 7; 2019, No. 82, § 9; 2019, No. 910, §§ 2261-2263.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: "Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

"(1) Various construction and improvement projects;

"(2) Unforeseen needs;

"(3) Funding deficiencies; and

"(4) The completion of projects previously funded by the General Assembly".

Amendments. The 2019 amendment by No. 82 inserted "or its successor fund or fund accounts, including the Development and Enhancement Fund" twice in (b)(4).

The 2019 amendment by No. 910 substituted "Division of Higher Education" for "Department of Higher Education" in the third sentence of the introductory language of (b)(1)(E) and four times in (b)(1)(F); and substituted "Department of the Military" for "State Military Department" twice in (b)(3).

19-5-502. Loans from fund.

(a) The Chief Fiscal Officer of the State shall be guided by the following limitations and procedures in making loans from the Budget Stabilization Trust Fund for the respective purposes for which the loans may be made, as established in this subsection:

(1) State agencies supported solely from special revenues shall not be eligible to make applications for or receive loans from the Budget Stabilization Trust Fund; and

(2) Moneys deposited into the Budget Stabilization Trust Fund shall not be used to make loans to any state agency without the state agency's first submitting proof of the need for the moneys and submitting justification therefor verifying that other funds or resources are not available to the agency or cannot be obtained by the agency from other funds belonging to or available to the agency. In no event shall any loan from the Budget Stabilization Trust Fund be made to a state-supported institution of higher education in an amount equal to or exceeding eighty-five percent (85%) of its monthly guarantee of general revenues estimated to be available for distribution to the agency during the month.

(b) Any official or employee knowingly submitting false information to the Chief Fiscal Officer of the State in support of any loan from the Budget Stabilization Trust Fund shall, upon conviction thereof, be guilty of misfeasance in office and shall be removed from the office or position of employment.

(c) The Division of Elementary and Secondary Education shall have no authority to request loans from the Budget Stabilization Trust Fund to provide moneys for distribution to public school districts in this state, nor to write warrants payable from any funds borrowed from the Budget Stabilization Trust Fund, for making monthly payments to school districts in this state earlier than the fifth day prior to the end of the month.

History. Acts 1973, No. 750, § 8; A.S.A. 1947, § 13-531; Acts 1987, No. 945, § 4; 2019, No. 910, § 2264. substituted "Division of Elementary and Secondary Education" for "Department of Education" in (c).

Amendments. The 2019 amendment

19-5-503. Work release centers.

The Community Correction Revolving Fund is authorized to borrow from the Budget Stabilization Trust Fund for the establishment of new work release centers for the Division of Correction. These loans shall be repaid by the end of the fiscal year in which the loans are made.

History. Acts 1983, No. 499, § 24; 1995, No. 1296, § 72; 2019, No. 910, § 985. substituted "Division of Correction" for "Department of Correction" at the end of the first sentence.

Amendments. The 2019 amendment

SUBCHAPTER 7 — REIMBURSEMENT OF UNEMPLOYMENT COMPENSATION BENEFITS

SECTION.

19-5-701. Purpose.

19-5-702. Definitions.

19-5-704. Administration.

SECTION.

19-5-706. Unemployment Compensation Revolving Fund.

19-5-709. Loans.

Effective Dates. Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled ‘Funding and

classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-5-701. Purpose.

It is the purpose of this subchapter that all programs, regardless of their funding source, contribute equally to the cost of unemployment compensation benefits charged to the state agencies operating such programs. It is not the intent of this subchapter that the State of Arkansas relinquish its status as a nontaxable reimbursable employer under the Division of Workforce Services Law, § 11-10-101 et seq.

History. Acts 1977, No. 608, § 1; A.S.A. 1947, § 13-554; Acts 2019, No. 910, § 479. **Amendments.** The 2019 amendment substituted “Division of Workforce Services Law” for “Department of Workforce Services Law”.

19-5-702. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) “Contribution” means a percentage of payroll expenditures paid to the Unemployment Compensation Revolving Fund by a state agency in order to provide current and timely reimbursements of benefits paid by the Division of Workforce Services Law, § 11-10-101 et seq., for unemployment benefits charged to the agency;

(2) “Experience rate” means the process of adjustment in a future period of the contribution rate of an agency based on the difference of the amounts paid to the revolving fund for a fiscal year compared to the amounts of unemployment benefits charged to the agency for a fiscal year in order to recover deficits and refund surpluses;

(3) “Payroll” means the gross total amount expended for a payroll period for regular salaries, extra help, and authorized overtime payments; and

(4) “State agency” means any state agency, board, commission, department, institution, college, university, and community junior college receiving an appropriation for regular salaries, extra help, and authorized overtime payable from funds deposited into the State Treasury or depositories other than the State Treasury by the General Assembly.

History. Acts 1977, No. 608, § 2; A.S.A. 1947, § 13-554.1; Acts 2019, No. 910, § 480. **Amendments.** The 2019 amendment substituted “Division of Workforce Services Law” for “Department of Workforce

Services Law” in (1).

19-5-704. Administration.

(a) This subchapter shall be administered by the Chief Fiscal Officer of the State.

(b) Upon certification to the Chief Fiscal Officer of the State by the Division of Workforce Services of unemployment compensation benefits paid during a benefit period and charged to a state agency, the Chief Fiscal Officer of the State shall direct that reimbursement be made to the division from the Unemployment Compensation Revolving Fund for such amounts as are properly certified.

(c) The Chief Fiscal Officer of the State shall have the authority to make such rules as are necessary to enforce the provisions of this subchapter.

History. Acts 1977, No. 608, § 7; A.S.A. 1947, § 13-554.6; Acts 2019, No. 315, § 1739; 2019, No. 910, § 481.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (c).

The 2019 amendment by No. 910, in (b), substituted “Division of Workforce Services” for “Department of Workforce Services”, and substituted “division” for “department”.

19-5-706. Unemployment Compensation Revolving Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Unemployment Compensation Revolving Fund”.

(b) The Unemployment Compensation Revolving Fund shall consist of employer unemployment contributions made under § 19-5-707 and temporary loans from the Budget Stabilization Trust Fund received under § 19-5-709.

(c) The funds shall be used to reimburse the Division of Workforce Services, in a timely manner, for unemployment compensation benefits paid by the division and charged to a state agency, as provided in this subchapter and other laws applicable to state employees’ unemployment compensation and for such other purposes as may be authorized by law.

History. Acts 1973, No. 750, § 8; 1977, No. 608, § 3; 1979, No. 1013, § 7; A.S.A. 1947, §§ 13-531, 13-554.2; Acts 2019, No. 910, § 482.

Amendments. The 2019 amendment, in (c), substituted “Division of Workforce Services” for “Department of Workforce Services” and “division” for “department”.

19-5-709. Loans.

(a) In the event that the Unemployment Compensation Revolving Fund does not have sufficient funds available from contributions by state agencies to make reimbursement to the Division of Workforce

Services for benefits paid, loans may be made from the Budget Stabilization Trust Fund to make such payments.

(b) Any loans made to the Unemployment Compensation Revolving Fund shall be repaid by June 30 of the first fiscal year after the fiscal year in which such loans were made.

History. Acts 1977, No. 608, § 6; A.S.A. 1947, § 13-554.5; Acts 2019, No. 910, § 483.

substituted "Division of Workforce Services" for "Department of Workforce Services" in (a).

Amendments. The 2019 amendment

SUBCHAPTER 8 — REIMBURSEMENT OF WORKERS' COMPENSATION BENEFITS

SECTION.

19-5-804. Administration.

19-5-804. Administration.

This subchapter shall be administered by the Chief Fiscal Officer of the State. The Chief Fiscal Officer of the State shall have the authority to establish procedures and to make such rules as are necessary to enforce the provisions of this subchapter.

History. Acts 1977, No. 924, § 8; A.S.A. 1947, § 13-1407.8; Acts 2019, No. 315, § 1740.

Amendments. The 2019 amendment deleted "and regulations" following "rules" in the second sentence.

SUBCHAPTER 9 — TRUST FUNDS

SECTION.

19-5-902. [Repealed.]
 19-5-905. Securities Reserve Fund.
 19-5-907. Revolving Loan Fund.
 19-5-912. Division of Workforce Services Trust Fund.
 19-5-915. [Repealed.]
 19-5-920. [Repealed.]
 19-5-922. State Insurance Department Trust Fund.
 19-5-930. Hazardous Substance Remedial Action Trust Fund.
 19-5-937, 19-5-938. [Repealed.]
 19-5-939. Unemployment Compensation Revolving Fund.
 19-5-943. [Repealed.]
 19-5-944. County Assessors' Continuing Education Trust Fund.
 19-5-945. Court Awards Fund.
 19-5-949. Children's Trust Fund.
 19-5-953. Long-Term Care Trust Fund.
 19-5-956. Tourism Development Trust Fund.

SECTION.

19-5-959. Petroleum Storage Tank Trust Fund.
 19-5-960. Private Career School Student Protection Trust Fund.
 19-5-961. Solid Waste Management and Recycling Fund.
 19-5-962. State Health Department Building and Local Grant Trust Fund.
 19-5-972. Special State Assets Forfeiture Fund.
 19-5-979. Landfill Post-Closure Trust Fund.
 19-5-980. [Repealed.]
 19-5-983. Land Reclamation Fund.
 19-5-984. Division of Workforce Services Special Fund.
 19-5-985. Arkansas Medicaid Program Trust Fund.
 19-5-989. [Repealed.]
 19-5-997. [Repealed.]
 19-5-999. Individual Development Account Trust Fund.

Preambles. Acts 2017, No. 775, contained a preamble which read:

“WHEREAS, it is beneficial to the State of Arkansas to be a good steward of public money for sustainable programs for the future; and

“WHEREAS, it is beneficial to the people of the State of Arkansas to recognize the inherent value and contribution of individuals with disabilities; and

“WHEREAS, it is the policy of the State of Arkansas to:

“(1) Respect the rights and privileges conveyed by federal and state law to beneficiaries who are individuals with disabilities;

“(2) Support the right of individuals with disabilities to receive quality services without discrimination; and

“(3) Allow an individual with disabilities to:

“(A) Participate in all decisions regarding his or her care, including the right to refuse treatment, the right to continuity of care, and the right to choose among providers who participate in his or her network; and

“(B) Receive services in his or her local community, or the community of his or her choice, and in the least restrictive setting; and

“WHEREAS, the State of Arkansas wishes to affirm the commitment to the principles of full and equal treatment and unlimited opportunities for all Arkansans that are afforded, as of February 1, 2017, to individuals with disabilities as a basic tenet of this legislation, NOW THEREFORE, ...”

Effective Dates. Acts 2017, No. 508, § 13(a): Oct. 1, 2017. Effective date clause provided: “Sections 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12 of this act become effective on October 1, 2017.”

Acts 2017, No. 141, § 63, as amended by Acts 2017, No. 596, § 1: Jan. 1, 2018. Effective date clause provided: “Sections 2 through 61 of this act are effective for tax years beginning on and after January 1, 2018.”

Acts 2017, No. 555, § 8: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly that this act amends the investment and transfer authority of the Treasurer of State; that this act affects the ability of the Treasurer of State to invest and transfer state funds; and that this act should

become effective as soon as possible to allow for implementation of the new provisions to benefit the State of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Acts 2017, No. 565, § 29: Mar. 22, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act will create more efficient regulation of private career education; and that this act is immediately necessary to provide Arkansas citizens seeking private career education the consumer protection services they need. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2017, No. 775, § 8: Mar. 31, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current method of serving the enrollable Medicaid beneficiary populations is resulting in excessive and unnecessary costs to the Arkansas Medicaid Program and to the State of Arkansas; that the enrollable Medicaid beneficiary populations are growing at a rate that is unsustainable under the current method of serving the enrollable Medicaid beneficiary populations; that the Medicaid provider-led organized care system will improve quality and efficiencies of healthcare services to enrollable Medicaid beneficiary populations by enhancing the performance of the broader healthcare system with increased access to care; that the Medicaid Provider-Led Organized Care Act requires healthcare providers to create, present to the Department of Human Services and the Insurance Commissioner for approval, implement, and market a new kind of organization that offers a type of health insurance; and that this act is immediately necessary to ensure efficient use of taxpayer dollars and to provide health-

care providers certainty about the law creating the Medicaid Provider-Led Organized Care Act before fully investing time, funds, personnel, and other resources to the development of the new risk-based provider organizations. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2017, No. 897, § 21: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it would be prudent to abolish the State Child Abuse and Neglect Prevention Board and transfer the powers and duties of the State Child Abuse and Neglect Prevention Board to the Department of Human Services; that this act facilitates the timely transfer of the State Child Abuse and Neglect Prevention Board to the Depart-

ment of Human Services; and that this act is necessary for alignment with the fiscal year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-5-902. [Repealed.]

Publisher’s Notes. This section, concerning the Income Tax Protest Fund, was repealed by identical Acts 2017, Nos. 1083

and 1127, § 5. The section was derived from Acts 1973, No. 750, § 8; A.S.A. 1947, § 13-531.

19-5-905. Securities Reserve Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Securities Reserve Fund”. The Securities Reserve Fund shall consist of moneys derived from savings effected in the retirement in advance of maturity of nonhighway direct general obligation bonds of the state, of discounts received in the purchase of securities, and of premiums and interest derived from the sale of securities held in the Securities Reserve Account by the Treasurer of State as custodian. The Securities Reserve Fund shall be used as follows:

(1) To pay premiums and the purchase and absorbing of discounts in the sale of securities held in the Securities Account, not to exceed five hundred thousand dollars (\$500,000) in any one (1) fiscal year;

(2) To guarantee bonds in an aggregate principal amount not to exceed five million dollars (\$5,000,000) outstanding at any time, with

no bond bearing interest at a rate exceeding eight percent (8%) per annum, of the Museum and Cultural Commission Fund authorized, and in the manner prescribed in the Arkansas Museum and Cultural Center Act, § 13-5-301 et seq., not to exceed five hundred thousand dollars (\$500,000) in any one (1) fiscal year;

(3) To guarantee bonds of any other park or recreation facility approved by the Governor and the Department of Parks, Heritage, and Tourism, not to exceed five hundred thousand dollars (\$500,000) in the aggregate, after seeking advice of the Legislative Council and the Legislative Joint Auditing Committee;

(4) To guarantee industrial development bonds as authorized by §§ 15-4-702 — 15-4-710;

(5) To absorb losses incurred in the investing of securities held in the Securities Account in the State Treasury and in bank depositories. The balance of the Securities Reserve Fund shall always be available for this purpose;

(6) To guarantee loans to students to attend truck driving school at the Arkansas Commercial Driver Training Institute at Arkansas State University-Newport, in an aggregate principal amount not to exceed four hundred thousand dollars (\$400,000) outstanding at any one (1) time;

(7) To distribute:

(A) Interest income earned on investment of balances of the following:

(i) The State Highway and Transportation Department Fund, as authorized by § 27-70-204;

(ii) The Game Protection Fund, as authorized by § 15-41-110;

(iii) The funds deposited into the State Treasury by state agencies, boards, and commissions that were previously held as cash funds in a bank depository or investment depository, as authorized by § 19-3-518(d); and

(iv) State and Local Fiscal Assistance Act of 1972, 31 U.S.C. § 6701 et seq., as authorized by § 19-3-521(c); and

(B) Interest income earned from investment of State Treasury balances by any other laws enacted by the General Assembly;

(8) After the distributions enumerated in subdivision (a)(7) of this section, for a one-time transfer by the Chief Fiscal Officer of the State of one million five hundred thousand dollars (\$1,500,000) to the Arkansas Highway Transfer Fund, to be transferred only in Fiscal Year 2017;

(9) After the distributions enumerated in subdivisions (a)(7) and (8) of this section, for a transfer by the Chief Fiscal Officer of the State of five million dollars (\$5,000,000) each fiscal year to the Budget Stabilization Trust Fund;

(10) After the transfer to the Budget Stabilization Trust Fund enumerated in subdivision (a)(9) of this section, for a transfer by the Chief Fiscal Officer of the State of twenty million dollars (\$20,000,000) beginning in Fiscal Year 2018 and each fiscal year thereafter to the Arkansas Highway Transfer Fund;

(11) For a transfer by the Chief Fiscal Officer of the State on the last business day of the fiscal year to the Budget Stabilization Trust Fund to reimburse the Budget Stabilization Trust Fund for any current fiscal year transfers that have been made to the following:

- (A) The Division of Correction Farm Fund under § 19-5-501(b)(1);
- (B) The Department of the Military Fund Account under § 19-5-501(b)(3);
- (C) The Disaster Assistance Fund under § 19-5-1006;
- (D) The Miscellaneous Revolving Fund under § 19-5-1009;
- (E) The State Central Services Fund under § 19-5-501(d); and
- (F) The State Board of Election Commissioners, as authorized by law; and

(12) After all distributions and transfers under this section, less one hundred thousand dollars (\$100,000) under § 19-3-521(a)(2), for a transfer by the Chief Fiscal Officer of the State on the last business day of the fiscal year of the fund balance to the Long Term Reserve Fund.

(b) If any loss is sustained in relation to securities at any time held in the Securities Account or in any bank depository and if the credit balance in the Securities Reserve Fund is insufficient to absorb the loss, the Chief Fiscal Officer of the State shall cause a transfer of moneys to be made from the Budget Stabilization Trust Fund to the Securities Reserve Fund in such amount as shall, when added to the credit balance in the Securities Reserve Fund, equal the amount of the loss. It is the intent of the General Assembly that no loss shall be sustained by any account the funds of which were used in making such investments and deposits.

History. Acts 1973, No. 750, § 8; 1975, No. 868, § 14; 1975 (Extended Sess., 1976), No. 1018, § 1; A.S.A. 1947, § 13-531; reen. Acts 1987, No. 860, § 1; 1995, No. 1084, § 1; 2016 (3rd Ex. Sess.), No. 1, § 8; 2017, No. 555, § 5; 2019, No. 910, § 986.

Amendments. The 2017 amendment deleted “average daily” following “investment of” in (a)(7)(A) and (a)(7)(B).

The 2019 amendment substituted “Division of Correction Farm Fund” for “Department of Correction Farm Fund” in (a)(11)(A); and substituted “Department of the Military Fund Account” for “State Military Department Fund Account” in (a)(11)(B).

19-5-907. Revolving Loan Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Revolving Loan Fund”.

(b) The fund shall consist of the repayment of moneys loaned or invested through the Revolving Loan Program of the Division of Elementary and Secondary Education.

(c) The fund shall be used for the purpose of making loans to school districts and for investment purposes.

History. Acts 1973, No. 750, § 8; A.S.A. 1947, § 13-531; 2019, No. 910, § 2265.

Amendments. The 2019 amendment substituted “Division of Elementary and

Secondary Education” for “Department of Education” in (b).

19-5-912. Division of Workforce Services Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Division of Workforce Services Trust Fund”.

(b) The fund shall consist of such revenues as may be authorized by the United States Government for support of various programs within the Division of Workforce Services, any interest accruing on these revenues, and any other funds made available by the General Assembly.

(c) The fund shall be used for the payment of program expenses of the division.

History. Acts 1973, No. 750, § 8; A.S.A. 1947, § 13-531; Acts 1995, No. 308, § 1; 2009, No. 251, § 12; 2019, No. 910, § 484.

Amendments. The 2019 amendment substituted “Division of Workforce Services Trust Fund” for “Department of

Workforce Services Trust Fund” in the section heading and (a); substituted “Division of Workforce Services” for “Department of Workforce Services” in (b); and substituted “division” for “department” in (c).

19-5-915. [Repealed.]

Publisher’s Notes. This section, concerning the United States Olympic Committee Program Trust Fund, was repealed

by Acts 2017, No. 263, § 2. The section was derived from Acts 1995, No. 1163, § 16.

19-5-920. [Repealed.]

Publisher’s Notes. This section, concerning the Social Security Contribution Fund, was repealed by identical Acts 2017, Nos. 1083 and 1127, § 6. The section

was derived from Acts 1973, No. 750, § 8; 1981, No. 938, § 19; A.S.A. 1947, § 13-531.

19-5-922. State Insurance Department Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “State Insurance Department Trust Fund”.

(b)(1) The fund shall consist of those special revenues specified in § 19-6-301(172), with the exception of § 19-6-301(172)(B), grants, refunds, gifts, and any remaining funds of the Arkansas Earthquake Authority as provided in § 23-102-119 and examination of insurers’ payments as set out in §§ 23-61-201 — 23-61-206.

(2) The fund shall be used:

(A) To defray the expenses of the State Insurance Department in the discharge of its administrative and regulatory powers and duties as prescribed by law and as set out in the State Insurance Department Trust Fund Act, § 23-61-701 et seq.;

(B) To defray the administrative expenses and losses incurred by the Arkansas Comprehensive Health Insurance Pool of the Compre-

hensive Health Insurance Pool Act, § 23-79-501 et seq., or its successor; and

(C) To fund capital expenditures and training for fire departments certified by the Division of Emergency Management.

(c) Annually by June 30, one million five hundred thousand dollars (\$1,500,000) shall be transferred from the State Insurance Department Trust Fund to the State Central Services Fund for the use of the Revenue Division of the Department of Finance Administration for expenses related to the online insurance verification system established under the Arkansas Online Insurance Verification System Act, § 27-22-201 et seq., and other related costs.

History. Acts 1973, No. 750, § 8; A.S.A. No. 55, § 14; 2015, No. 1144, § 5; 2015, 1947, § 13-531; Acts 1995, No. 1163, § 17; No. 1145, § 5; 2019, No. 869, § 1.
2001, No. 572, § 2; 2001, No. 1646, § 8; **Amendments.** The 2019 amendment
2003, No. 1583, § 3; 2003 (1st Ex. Sess.), added (c).

19-5-930. Hazardous Substance Remedial Action Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Hazardous Substance Remedial Action Trust Fund”.

(b) The Hazardous Substance Remedial Action Trust Fund shall consist of all moneys appropriated by the General Assembly to the Hazardous Substance Remedial Action Trust Fund, gifts, donations, interest earnings, fees on the generation of hazardous waste, punitive damages, penalties, and any other moneys legally designated, with the exception of those moneys deposited into the Environmental Education Fund as set out in § 8-7-509(d), all moneys received as penalties under §§ 8-4-101 — 8-4-106, 8-4-201 — 8-4-229, 8-4-301 — 8-4-313, 8-6-201 — 8-6-212, 8-6-213 [repealed], 8-6-214, 8-7-201 — 8-7-226, 8-7-504, and 20-27-1001 — 20-27-1007, and all punitive damages collected under § 8-7-517, there to be administered by the Director of the Division of Environmental Quality as provided in § 8-7-509.

History. Acts 1973, No. 750, § 8; 1985, No. 888, § 12; A.S.A. 1947, § 13-531; Acts 1987, No. 928, § 4; 1993, No. 1073, § 6; 1999, No. 1164, § 159; 2007, No. 1032, § 15; 2007, No. 1201, § 15; 2011, No. 1011, § 4; 2019, No. 910, § 3187.
Amendments. The 2019 amendment substituted “Director of the Division of Environmental Quality” for “Director of the Arkansas Department of Environmental Quality” in (b).

19-5-937, 19-5-938. [Repealed.]

Publisher’s Notes. These sections, concerning the Fraud Prevention Fund and the Vocational-Technical Education Contingency Fund, were repealed by identical Acts 2017, Nos. 1083 and 1127, §§ 7 and 8. The sections were derived from the following sources:
19-5-937. Acts 1983, No. 926, § 51; A.S.A. 1947, § 13-523.11.
19-5-938. Acts 1981, No. 769, § 12.

19-5-939. Unemployment Compensation Revolving Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Unemployment Compensation Revolving Fund".

(b) The Unemployment Compensation Revolving Fund shall consist of employer unemployment contributions made under § 19-5-707 and temporary loans from the Budget Stabilization Trust Fund received under § 19-5-709.

(c) The funds shall be used to reimburse the Division of Workforce Services, in a timely manner, for unemployment compensation benefits paid by the division and charged to a state agency, as provided in § 19-5-701 et seq., and other laws applicable to state employees' unemployment compensation and for such other purposes as may be authorized by law.

History. Acts 1973, No. 750, § 8; 1977, No. 608, § 3; 1979, No. 1013, § 7; A.S.A. 1947, §§ 13-531, 13-554.2; Acts 2019, No. 910, § 485.

Amendments. The 2019 amendment, in (c), substituted "Division of Workforce Services" for "Department of Workforce Services" and "division" for "department".

19-5-943. [Repealed.]

Publisher's Notes. This section, concerning the Department of Arkansas Heritage Endowment Trust Fund, was re-

pealed by identical Acts 2017, Nos. 1083 and 1127, § 9. The section was derived from Acts 1987, No. 928, § 5.

19-5-944. County Assessors' Continuing Education Trust Fund.

(a)(1)(A) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State the "County Assessors' Continuing Education Trust Fund".

(B)(i) The quorum court of each county shall annually appropriate and pay into the County Assessors' Continuing Education Trust Fund in the State Treasury the sum of six hundred dollars (\$600) from fees of the office of the county assessor.

(ii) If any quorum court shall fail or refuse to appropriate and pay over the funds to the County Assessors' Continuing Education Trust Fund in the State Treasury, the Treasurer of State shall withhold funds from the county aid due to the county and shall credit the funds to the County Assessors' Continuing Education Trust Fund.

(2) The County Assessors' Continuing Education Trust Fund shall consist of all moneys required to be paid in annually as set out in this section, all interest earned from the investment of fund balances, and any remaining fund balances carried forward from year to year.

(b) The funds in the County Assessors' Continuing Education Trust Fund shall be used exclusively for the establishment and operation of a continuing education program for county assessors and for paying the meals, lodging, registration fees, and mileage at the rate prescribed in state travel rules of county assessors who attend the continuing education programs.

History. Acts 1991, No. 949, § 2; 1999, No. 342, § 3; 2007, No. 259, § 1; 2019, No. 315, § 1741.

Amendments. The 2019 amendment substituted “rules” for “regulations” in (b).

19-5-945. Court Awards Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Court Awards Fund”.

(b) The fund shall consist of state and federal asset forfeitures.

(c) The fund shall be used for expenditures of the Division of Arkansas State Police for the respective purposes as provided by law.

History. Acts 1987, No. 1037, § 10; 2017, No. 818, § 1.

A.C.R.C. Notes. Acts 2017, No. 1026, § 20, provided: “QUARTERLY REPORTING. The Department of Arkansas State Police shall on a quarterly basis provide to the Arkansas Legislative Council or Joint Budget Committee a report detailing expenditures from the Court Awards Fund of the Confiscated Funds Transfer appropriation of this Act. The report shall include the State Police division, purpose and amount of expendi-

tures.

“The quarterly reports shall be provided no later than the 15th day of the month immediately following the end of each quarter.

“The provisions of this section shall be in effect only from July 1, 2017 through June 30, 2018.”

Amendments. The 2017 amendment added (b); redesignated former (c) as (b); and, in (c), substituted “expenditures of” for “fund transfers to” and deleted “Fund there to be used” following “Police”.

19-5-949. Children’s Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Children’s Trust Fund”.

(b) The fund shall consist of those special revenues as specified in § 19-6-301(189) and moneys received from the United States Government, other governments, or persons or any other entities that do not obligate the State of Arkansas, there to be used by the Department of Human Services.

History. Acts 1989, No. 629, § 11; 1995, No. 1163, § 19; 2017, No. 897, § 12.

Amendments. The 2017 amendment, in (b), substituted “entities that” for “entities which”, and substituted “Depart-

ment of Human Services” for “State Child Abuse and Neglect Prevention Board as set out in the Child Abuse and Neglect Prevention Act, § 9-30-101 et seq.”

19-5-953. Long-Term Care Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Long-Term Care Trust Fund”.

(b) The Long-Term Care Trust Fund shall consist of all moneys and interest received from the imposition of civil penalties levied by the state on long-term care facilities found to be out of compliance with the requirements of federal law or regulations, or state law or rules, there

to be administered by the Secretary of the Department of Human Services solely for the protection of the health or property of residents of long-term care facilities, including, but not limited to, the payment for the costs of relocation of residents to other facilities, maintenance and operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost.

(c) Funds from the Long-Term Care Trust Fund may also be administered by the Secretary of the Department of Human Services for programs or uses that, in the determination of the Director of the Office of Long-Term Care, enhance the quality of life for long-term care facility residents through the adoption of principles and building designs established by the Eden Alternative, Inc., or Green House Project programs or other means.

History. Acts 1989, No. 629, § 11; 2009, No. 251, § 13; 2019, No. 315, § 1742; 2019, No. 910, § 5162.

Amendments. The 2019 amendment by No. 315 substituted “federal law or regulations, or state law or rules” for “federal or state law or regulations” in (b).

The 2019 amendment by No. 910 substituted “Secretary of the Department of Human Services” for “Director of the Department of Human Services” in (b) and (c); and inserted “Inc.” in (c).

19-5-956. Tourism Development Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Tourism Development Trust Fund”.

(b) The fund shall consist of those special revenues as specified in § 19-6-301(146) and fifty percent (50%) of those special revenues as specified in § 19-6-301(262), there to be used by the Department of Commerce exclusively for the promotion of wine tourism in Arkansas.

History. Acts 1989, No. 629, § 11; 2017, No. 508, § 7; 2019, No. 910, § 5670.

Amendments. The 2017 amendment, in (b), inserted “and fifty percent (50%) of those special revenues as specified in § 19-6-301(262)” and substituted “promotion of wine tourism” for “promotion of tourism”.

The 2019 amendment substituted “Department of Commerce” for “Department of Parks and Tourism” in (b).

Effective Dates. Acts 2017, No. 508, § 13(a): Oct. 1, 2017. Effective date clause provided: “Sections 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12 of this act become effective on October 1, 2017.”

19-5-959. Petroleum Storage Tank Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Petroleum Storage Tank Trust Fund”.

(b) The Petroleum Storage Tank Trust Fund shall consist of the petroleum environmental assurance fees as provided in § 8-7-906, all other fees assessed under the Petroleum Storage Tank Trust Fund Act, § 8-7-901 et seq., gifts, grants, donations, such other funds made available by the General Assembly, the excess of a reserve of two (2) months’ requirements of debt service from fees in the Petroleum

Storage Tank Trust Fund Revenue Bond Debt Service Fund under § 15-5-1206 and any moneys recovered by the Division of Environmental Quality which are attributable to collections of civil penalties under § 8-7-806 or to costs under § 8-7-807 not owed the Regulated Substance Storage Tank Program Fund, there to be administered by the Director of the Division of Environmental Quality, who shall make disbursements from the Petroleum Storage Tank Trust Fund as authorized by the Petroleum Storage Tank Trust Fund Act, § 8-7-901 et seq.

History. Acts 1991, No. 1135, § 10; 1993, No. 1073, § 10; 1997, No. 1248, § 16; 1999, No. 1164, § 160; 2019, No. 910, § 3188.

Amendments. The 2019 amendment substituted "Division of Environmental Quality" for "Arkansas Department of Environmental Quality" twice in (b).

19-5-960. Private Career School Student Protection Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Private Career School Student Protection Trust Fund".

(b) The fund shall consist of a fee to be set by the Division of Higher Education in consultation with the State Board of Private Career Education as provided in § 6-51-607, there to be used for paying claims and other expenses as set out in § 6-51-607.

History. Acts 1991, No. 1135, § 10; 2017, No. 565, § 24; 2019, No. 910, § 2266.

The 2019 amendment substituted "Division of Higher Education" for "Department of Higher Education" in (b).

Amendments. The 2017 amendment inserted "Department of Higher Education in consultation with the" in (b).

19-5-961. Solid Waste Management and Recycling Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Solid Waste Management and Recycling Fund".

(b) The fund shall consist of those special revenues specified in §§ 19-6-301(154) and 19-6-301(240), reimbursement of funds pursuant to § 8-6-610, federal funds which may become available, interest earnings, gifts, donations, and any other funds made available by the General Assembly, there to be administered by the Division of Environmental Quality as set out in the Solid Waste Management and Recycling Fund Act, § 8-6-601 et seq.

History. Acts 1991, No. 1135, § 10; 1999, No. 1164, § 161; 2009, No. 1440, § 2; 2009, No. 1441, § 2; 2013, No. 1516, § 2; 2013, No. 1517, § 2; 2017, No. 624, § 8; 2019, No. 910, § 3189.

The 2019 amendment substituted "Division of Environmental Quality" for "Arkansas Department of Environmental Quality" in (b).

Amendments. The 2017 amendment inserted "trust" in (a).

19-5-962. State Health Department Building and Local Grant Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “State Health Department Building and Local Grant Trust Fund”.

(b) Except as provided in § 20-7-203(b), the fund shall consist of moneys authorized by law to be used only for expansion, renovation, construction, or improvements to the State Health Department building and for grants for construction, renovation, or other expansion of approved local health unit facilities in this state and moneys authorized under § 20-7-408(f).

History. Acts 1991, No. 1135, § 10; 1995, No. 1163, § 21; 2017, No. 206, § 4; 2017, No. 752, § 1.

Publisher’s Notes. Acts 2017, No. 752, § 1 specifically amended this section as amended by Acts 2017, No. 206, § 4.

Amendments. The 2017 amendment by No. 206, in (b), substituted “Except as provided in § 20-7-203(b), the” for “The”

and “moneys authorized by law to be used only” for “that portion of local health unit fees specified in § 20-7-127, and any other moneys authorized by law, there to be used, except as provided in § 20-7-203(b), only”.

The 2017 amendment by No. 752 inserted “and moneys authorized under § 20-7-408(f)” at the end of (b).

19-5-972. Special State Assets Forfeiture Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Special State Assets Forfeiture Fund”.

(b) The fund shall consist of revenues as provided in § 5-64-505(i)(1)(B)(iv) and any other revenues as may be provided by law, there to be administered through rules established by the Arkansas Drug Director and distributed by the Arkansas Alcohol and Drug Abuse Coordinating Council in accordance with the intent and purposes of the Uniform Controlled Substances Act, § 5-64-101 et seq.

History. Acts 1991, No. 1135, § 10; 1999, No. 1120, § 6; 2019, No. 315, § 1743.

Amendments. The 2019 amendment deleted “and regulations” following “rules” in (b).

19-5-979. Landfill Post-Closure Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Landfill Post-Closure Trust Fund”.

(b) The fund shall consist of those special revenues as specified in § 19-6-301(167), federal funds, interest earned, and any gifts or donations, there to be used solely for the administration of and for landfill post-closure corrective action as administered by the Division of Environmental Quality as set out in § 8-6-1001 et seq., and shall not be appropriated for any other purpose.

History. Acts 1993, No. 1073, § 11; 1997, No. 1248, § 17; 1999, No. 1164, § 162; 2005, No. 25, § 1; 2019, No. 910, § 3190.

Amendments. The 2019 amendment substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in (b).

19-5-980. [Repealed.]

Publisher’s Notes. This section, concerning the Waste Tire Grant Fund, was repealed by Acts 2017, No. 317, § 2. The

section was derived from Acts 1993, No. 1073, § 11; 1999, No. 1164, § 163.

19-5-983. Land Reclamation Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Land Reclamation Fund”.

(b)(1) The fund shall consist of open-cut mining civil penalties and bond forfeiture amounts, quarry operation reclamation, operation, and safe closure fees, fines, and bond forfeitures, gifts, grants, donations, and such other funds as may be made available by the General Assembly, including all interest earned on moneys in the fund.

(2) The fund shall be used for the reclamation of affected lands as administered by the Division of Environmental Quality as set out in the Arkansas Open-Cut Land Reclamation Act, § 15-57-301 et seq., and for contract awards for affected lands as required by the Arkansas Quarry Operation, Reclamation, and Safe Closure Act, § 15-57-401 et seq.

History. Acts 1993, No. 1073, § 11; 1999, No. 1164, § 164; 1999, No. 1463, § 15; 2019, No. 910, § 3191.

substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in (b)(2).

Amendments. The 2019 amendment

19-5-984. Division of Workforce Services Special Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Division of Workforce Services Special Fund”.

(b)(1) The fund shall consist of unemployment compensation contribution interest and penalty payments collected under §§ 11-10-716 — 11-10-723 and interest and penalty payments on overpayments collected under § 11-10-532.

(2) The fund shall be used for refunds of interest and penalties erroneously paid and other additional purposes as determined by the Director of the Division of Workforce Services under §§ 11-10-532 and 11-10-716 — 11-10-723 to be necessary to the proper administration of the following:

(A) The Division of Workforce Services Law, § 11-10-101 et seq.;

(B) The Arkansas Workforce Innovation and Opportunity Act, § 15-4-3701 et seq., or its successor;

(C) The Temporary Assistance for Needy Families Program, § 20-76-101 et seq., or its successor;

(D) The Arkansas Works Act of 2016, § 23-61-1001 et seq., or its successor; and

(E) Any other programs transferred under the direction and supervision of the Division of Workforce Services, by either executive order or legislative enactment, or their successor programs.

(c)(1) The fund shall include a subaccount for penalties collected under § 11-10-532(a)(3) that are in excess of fifteen percent (15%) of the overpayment.

(2) The subaccount under subdivision (c)(1) of this section shall be used exclusively for activities to protect the integrity of the unemployment insurance program that are necessary to the proper administration of the Division of Workforce Services Law, § 11-10-101 et seq., as determined by the director.

(d) The director shall report to the Legislative Council on a quarterly basis on all uses of the fund and the subaccount.

History. Acts 1993, No. 1073, § 11; 1999, No. 1463, § 16; 2005, No. 4, § 1; 2007, No. 490, § 17; 2007, No. 1032, § 17; 2007, No. 1201, § 17; 2013, No. 956, § 9; 2019, No. 374, § 1; 2019, No. 375, § 2; 2019, No. 910, § 486.

Amendments. The 2019 amendment by No. 374 rewrote (b)(2).

The 2019 amendment by No. 375 inserted (c)(1) and (c)(2) and redesignated former (c) as (d); and added “and the subaccount” in (d).

The 2019 amendment by No. 910 substituted “Division of Workforce Services Special Fund” for “Department of Workforce Services Special Fund” in the section heading and (a); and, in (b)(2), substituted “Division of Workforce Services Law” for “Department of Workforce Services Law” and “Division of Workforce Services” for “Department of Workforce Services”.

19-5-985. Arkansas Medicaid Program Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Arkansas Medicaid Program Trust Fund”.

(b)(1) The fund shall consist of the following:

(A) All revenues derived from taxes levied on soft drinks sold or offered for sale in Arkansas under the Arkansas Soft Drink Tax Act, § 26-57-901 et seq., there to be used exclusively for the state match of federal funds participation under the Arkansas Medicaid Program;

(B) The additional ambulance annual fees stated in § 20-13-212;

(C) The special revenues specified in §§ 19-6-301(156) and 19-6-301(236);

(D) The amounts collected under §§ 26-57-604 and 26-57-605 above the forecasted level for insurance premium taxes set by the Chief Fiscal Officer of the State under § 10-3-1404(a)(1)(A);

(E) The amount provided for in § 19-5-402(a)(3); and

(F) Payments from surety bonds issued regarding risk-based provider organizations, as defined in § 20-77-2703.

(2) If the Arkansas Medicaid Program should be discontinued for any reason, the revenues derived from the soft drink tax levied in the Arkansas Soft Drink Tax Act, § 26-57-901 et seq., and the funds

described in subdivision (b)(1)(E) of this section shall be used exclusively to provide services to Arkansas residents comparable to the services now provided under the Arkansas Medicaid Program.

History. Acts 1993, No. 1073, § 11; 1994 (2nd Ex. Sess.), No. 27, § 3; 1997, No. 1248, § 18; 2007, No. 1201, § 18; 2013, No. 1224, § 2; 2017, No. 141, § 2; 2017, No. 775, § 2.

Amendments. The 2017 amendment by No. 141 inserted (b)(1)(E); and inserted “and the funds described in subdivision (b)(1)(E) of this section” in (b)(2).

The 2017 amendment by No. 775 added (b)(1)(D) [now (b)(1)(F)].

Effective Dates. Acts 2017, No. 141, § 63, as amended by Acts 2017, No. 596, § 1: Jan. 1, 2018, except §§ 1, 62, effective Aug. 1, 2017. Effective date clause provided: “Sections 2 through 61 of this act are effective for tax years beginning on and after January 1, 2018.”

19-5-989. [Repealed.]

Publisher’s Notes. This section, concerning the Law Enforcement Officers’ Memorial Fund, was repealed by Acts

2017, No. 625, § 2. The section was derived from Acts 1995, No. 1163, § 23.

19-5-997. [Repealed.]

Publisher’s Notes. This section, concerning the Center for Rural Arkansas Trust Fund, was repealed by identical Acts 2017, Nos. 1083 and 1127, § 10. The

section was derived from Acts 1997, No. 1279, § 9; 1999, No. 935, § 7; 2015 (1st Ex. Sess.), No. 7, § 133; 2015 (1st Ex. Sess.), No. 8, § 133.

19-5-999. Individual Development Account Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund for the Division of Workforce Services to be designated the “Individual Development Account Trust Fund”.

(b) The fund shall consist of Transitional Employment Assistance Program funds under § 20-76-401.

(c) The fund shall be used for the purposes set forth in § 20-86-101 et seq.

History. Acts 1999, No. 1217, § 14; 2007, No. 252, § 6; 2015, No. 1144, § 6; 2015, No. 1145, § 6; 2019, No. 910, § 487.

substituted “Division of Workforce Services” for “Department of Workforce Services” in (a).

Amendments. The 2019 amendment

SUBCHAPTER 10 — MISCELLANEOUS FUNDS

SECTION.

- 19-5-1001. Publication Development and Resale Revolving Fund.
- 19-5-1004. General Revenue Allotment Reserve Fund.
- 19-5-1005. Development and Enhancement Fund.

SECTION.

- 19-5-1007. Special Military Fund.
- 19-5-1009. Miscellaneous Revolving Fund.
- 19-5-1011. Crime Information System Fund.
- 19-5-1013. Performance Fund.

SECTION.

- 19-5-1017. [Repealed.]
- 19-5-1018. Higher Education Building Maintenance Fund.
- 19-5-1020. Department of Human Services Renovation Fund.
- 19-5-1022. [Repealed.]
- 19-5-1024. Public Service Commission Tax Division Fund.
- 19-5-1026. [Repealed.]
- 19-5-1027. Environmental Education Fund.
- 19-5-1028. Abandoned Mine Reclamation Fund.
- 19-5-1029. Surface Coal Mining Operation Fund.
- 19-5-1032. [Repealed.]
- 19-5-1036. Research Development Fund.
- 19-5-1039. Rural Health Services Revolving Fund.
- 19-5-1045. County Jail Reimbursement Fund.
- 19-5-1046. Building Authority Division Maintenance Fund.
- 19-5-1047. Arkansas Medicaid Rebate Program Revolving Fund — Arkansas Medicaid Rebate Program Revolving

SECTION.

- Fund Act of 1991 — Definition.
- 19-5-1050. [Repealed.]
- 19-5-1051. Parks and Tourism Outdoor Recreation Grants Fund.
- 19-5-1052. Justice Building Fund.
- 19-5-1055. Division of Information Systems Revolving Fund.
- 19-5-1056. Information Technology Reserve Fund.
- 19-5-1064. [Repealed.]
- 19-5-1070. Arkansas Agricultural Marketing Grants Fund.
- 19-5-1073. [Repealed.]
- 19-5-1075. [Repealed.]
- 19-5-1076. Higher Education Tuition Adjustment Fund — Intent.
- 19-5-1077. Administrative Services — Client Specific Emergency Services Revolving Fund Paying Account.
- 19-5-1087. Justice Building Construction Fund.
- 19-5-1095. Military Support Revolving Fund.
- 19-5-1096. Arkansas Real Property Reappraisal Fund.
- 19-5-1097. Public Roads Incentive Fund.

Effective Dates. Acts 2017, No. 365, § 29: July 1, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the fiscal year for employees begins on July 1 of every year and that the implementation of the Uniform Classification and Compensation Act is necessary to ensure the continued services and operations of the state. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Identical Acts 2017, Nos. 1083 and 1127, § 26: July 1, 2017. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period is later than July 1, 2017, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this

act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Identical Acts 2018, Nos. 259 and 260, § 10: July 1, 2018.

Acts 2019, No. 82, § 23: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the General Improvement Fund should no longer be utilized; that the Development and Enhancement Fund is necessary to complete unfinished state projects; and that this act is necessary to address infrastructure needs and unanticipated needs of the State of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new de-

partments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

Identical Acts 2019, Nos. 998 and 1024, § 11: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period after adjournment sine die is later than July 1, 2019, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-5-1001. Publication Development and Resale Revolving Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Publication Development and Resale Revolving Fund”.

(b) The fund shall consist of income derived from the sale of publications by the Division of Arkansas Heritage or its successor, there to be used to develop or purchase additional publications for resale.

(c) The fund shall be administered by the Central Administration Division of the Department of Parks, Heritage, and Tourism or its successor.

(d) Any funds remaining in the fund from which it derives its support at the end of each fiscal year shall carry forward and be made available for the same purpose for the next fiscal year.

History. Acts 1973, No. 750, § 7; 1985, No. 888, § 9; A.S.A. 1947, § 13-523; Acts 2019, No. 910, § 5671.

Amendments. The 2019 amendment substituted “Division of Arkansas Heri-

tague” for “Department of Arkansas Heritage” in (b); and substituted “Department of Parks, Heritage, and Tourism” for “Department of Arkansas Heritage” in (c).

19-5-1004. General Revenue Allotment Reserve Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “General Revenue Allotment Reserve Fund”.

(b) Unless otherwise provided by law, the General Revenue Allotment Reserve Fund shall consist of:

(1) The remainder of the general revenues collected by the state after deductions as specified in § 19-5-202 have been made and which are not required to fulfill the requirements of the maximum allotments of general revenues as may be provided in the Revenue Stabilization Law,

§ 19-5-101 et seq., for the fiscal year in which the general revenues were collected and deposited into the State Treasury; and

(2) The portion not determined to be special revenues by § 19-6-110 of the year-end fund balances of the funds and fund accounts created in § 19-5-302, except for § 19-5-302(11)(A), and in §§ 19-5-304(2)-(7) and (10), 19-5-306, 19-5-307, 19-6-404, and 19-6-411, which fund balances are to be transferred on or before August 15 of the fiscal year next following the fiscal year during which balances accrued.

(c) Any funds that remain in the Division of Career and Technical Education Fund Account or the fund accounts created in § 19-5-304(8) at the end of a fiscal year due to the provisions of this section shall be transferred by the Chief Fiscal Officer of the State to the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, there to be used exclusively to provide additional funding for appropriations for the applicable vocational and technical schools, technical institutes, or comprehensive lifelong learning centers, that are made payable from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund.

(d) However, any funds that remain in the General Revenue Allotment Reserve Fund or in the funds or fund accounts subject to the provisions of this section that have been reappropriated by the General Assembly may be carried forward from one fiscal year to the next, in such amounts that do not exceed the actual remaining balance of available appropriation as certified by the Chief Fiscal Officer of the State.

(e) The General Revenue Allotment Reserve Fund shall be used for such purposes as may be authorized by law.

History. Acts 1973, No. 750, § 7; 1985, No. 64, § 2; A.S.A. 1947, § 13-523; Acts 1989, No. 402, § 4; 1991, No. 1135, § 8; 1993, No. 1073, § 19; 1995, No. 1163, § 25; 1999, No. 253, § 3; 2005, No. 2139, § 6; 2019, No. 82, § 10; 2019, No. 910, § 2267.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: "Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

"(1) Various construction and improvement projects;

"(2) Unforeseen needs;

"(3) Funding deficiencies; and

"(4) The completion of projects previously funded by the General Assembly".

Amendments. The 2019 amendment by No. 82 inserted "including the Development and Enhancement Fund" twice in (c).

The 2019 amendment by No. 910 substituted "Division of Career and Technical Education Fund Account" for "Department of Career Education Fund Account" in (c).

19-5-1005. Development and Enhancement Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Development and Enhancement Fund".

(b) The Development and Enhancement Fund shall consist of those special revenues specified in § 19-6-301(171) and any other funds made available by the General Assembly from time to time.

(c) The Development and Enhancement Fund shall be used to provide financing of various projects authorized by the General Assembly and to make temporary loans or provide funding for appropriations authorized by the General Assembly.

(d) The Development and Enhancement Fund shall be the successor fund to the General Improvement Fund for the payment of any outstanding balances, warrants, and reappropriations enacted by the General Assembly previously payable from the General Improvement Fund.

History. Acts 1973, No. 750, § 7; A.S.A. 1947, § 13-523; Acts 1991, No. 786, § 32; 2003 (1st Ex. Sess.), No. 55, § 19; 2019, No. 82, § 11.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: "Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

"(1) Various construction and improvement projects;

"(2) Unforeseen needs;

"(3) Funding deficiencies; and

"(4) The completion of projects previously funded by the General Assembly".

Amendments. The 2019 amendment substituted "Development and Enhancement Fund" for "General Improvement Fund" in the section heading and (a); substituted "Development and Enhancement Fund" for "fund" in (b); substituted "or provide funding for appropriations authorized by the General Assembly" for "to funds receiving general revenue as set out in § 19-5-302" in (c); and added (d).

19-5-1007. Special Military Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Special Military Fund".

(b) The Special Military Fund is to consist of federal reimbursement received on account of eligible expenditures by the Department of the Military and shall be used to provide funding wholly or partially for appropriations made payable from the Special Military Fund and to provide supplemental support, to the extent necessary, to the Department of the Military Fund Account of the State General Government Fund, there to be used solely for the programs of the department.

History. Acts 1973, No. 750, § 7; A.S.A. 1947, § 13-523; Acts 1993, No. 1073, § 12; 2019, No. 910, § 5544.

Amendments. The 2019 amendment

substituted "Department of the Military" for "State Military Department" twice in (b).

19-5-1009. Miscellaneous Revolving Fund.

(a) There is created and established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Miscellaneous Revolving Fund".

(b) The Miscellaneous Revolving Fund shall consist of such general revenues as may be provided by the Revenue Stabilization Law,

§ 19-5-101 et seq., and moneys transferred from the Budget Stabilization Trust Fund in such amounts as may be required to provide funding for authorized expenditures as appropriated by the General Assembly for:

- (1) The Governor's Emergency Fund;
- (2) Noncontroversial claims;
- (3) Small controversial claims;
- (4) Claims awarded to surviving spouses or dependent children of deceased police officers, firefighters, and Arkansas Department of Transportation employees killed in performing their official duties;
- (5) Workers' compensation claims for municipal and county employees;
- (6) Claims for payment of college scholarships to surviving children of law enforcement officers and firefighters killed in the official line of duty;
- (7) Miscellaneous tax refunds; and
- (8) Livestock and poultry indemnities, not to exceed those amounts appropriated by the General Assembly for the then-current biennial period.

(c)(1) Excepting disbursement for livestock and poultry indemnities, claims awarded to surviving spouses or dependent children of deceased police officers, firefighters, and highway employees, college scholarships to surviving children of law enforcement officers and firefighters killed in the official line of duty, and workers' compensation claims for municipal and county employees, the various funds shall reimburse the Miscellaneous Revolving Fund for expenditures made for which the Miscellaneous Revolving Fund is the beneficiary, upon request by the Chief Fiscal Officer of the State.

(2) This reimbursement shall be done after determining that it will not jeopardize the then-current fiscal year's operation of the affected state agency or State Treasury fund from which the agency is being supported.

(3) The reimbursements shall be made to reimburse the Budget Stabilization Trust Fund.

History. Acts 1973, No. 750, § 7; 1977, No. 825, § 1; 1979, No. 1013, § 4; 1980 (1st Ex. Sess.), No. 39, § 2; A.S.A. 1947, § 13-523; Acts 1993, No. 656, § 2; 2001, No. 1674, § 44; 2009, No. 1330, § 31; 2017, No. 707, §§ 50, 51.

Amendments. The 2017 amendment

redesignated (c) as (c)(1) through (c)(3); substituted "surviving spouses" for "widows" in (b)(4) and (c)(1); and substituted "Department of Transportation" for "State Highway and Transportation Department" in (b)(4).

19-5-1011. Crime Information System Fund.

(a)(1) The Crime Information System Fund shall consist of those special revenues as specified in §§ 19-6-301(14) and 19-6-301(235), thirty-eight percent (38%) of the fees collected under § 12-12-1510(c), and fifty percent (50%) of § 19-6-301(176) of the Revenue Classification Law, § 19-6-101 et seq., allocations of general revenues as authorized

by the General Assembly, moneys transferred or deposited from the State Administration of Justice Fund, and such federal grants and aid or reimbursements as may be received.

(2) The Crime Information System Fund shall be used for the maintenance, operation, improvement, and necessary expenditures for administering the Arkansas Crime Information System.

(3) The Crime Information System Fund may be used for personal services and operating expenses as provided by law.

(b) The then-current year allocations of general revenues not used or needed for current year operations shall be transferred by the Chief Fiscal Officer of the State to the General Revenue Allotment Reserve Fund.

(c) Beginning July 1, 2013, excluding the disposal fees that are to be deposited into the Marketing Recyclables Program Fund under § 8-6-607(b)(2), the first one hundred fifty thousand dollars (\$150,000) of fees collected each fiscal year under § 8-6-607 shall be deposited into the State Treasury and credited to the Crime Information System Fund to be used exclusively for the scrap metal logbook program.

(d) Notwithstanding any other rule or provision of law to the contrary, the Arkansas Crime Information Center may transfer appropriation from the Contingency line item authorized for the Arkansas Crime Information Center to the Scrap Metal Logbook line item appropriation.

(e) Moneys remaining in the Crime Information System Fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

History. Acts 1973, No. 750, § 7; 1981, No. 938, § 8; A.S.A. 1947, § 13-523; Acts 1993, No. 1073, § 13; 1997, No. 1248, § 20; 1999, No. 1463, § 20; 2007, No. 1032, § 19; 2007, No. 1201, § 19; 2012, No. 283, § 11; 2013, No. 1202, § 46; 2015, No. 1185, § 5; 2017, No. 1067, § 8; 2019, No. 315, § 1744.

Amendments. The 2017 amendment substituted "Marketing Recyclables Program Fund" for "Marketing Board Fund" in (c).

The 2019 amendment deleted "regulation" following "rule" in (d).

19-5-1013. Performance Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Performance Fund".

(b) The fund shall be used for transfer of funds and appropriations to various state agencies, funded, in whole or in part, with general revenues, for regular salary and personal services matching adjustments authorized by the General Assembly and to award raises to employees based upon the performance evaluation system and in accordance with rules promulgated by the Chief Fiscal Officer of the State and which do not have sufficient funding or appropriations to pay for the raises or increases.

(c) The fund shall consist of those general revenues provided by law.

(d) Any references to the Merit Adjustment Fund in the Arkansas Code or acts of the General Assembly, including without limitation appropriation acts, shall be deemed and interpreted as the Performance Fund.

History. Acts 1973, No. 750, § 7; 1985, No. 888, § 10; A.S.A. 1947, § 13-523; Acts 2017, No. 365, § 5; 2018, No. 259, § 8; 2018, No. 260, § 8.

A.C.R.C. Notes. Identical Acts 2018, Nos. 259 and 260, § 1, provided: "The purpose of this act is to amend the Revenue Stabilization Law and to create funds, to repeal funds, and to make transfers to and from funds and fund accounts."

Identical Acts 2018, Nos. 259 and 260, § 9, provided: "DUPLICATE ACTS. If HB1137 and SB122 of the 2018 Fiscal Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression

shall supersede the other."

Amendments. The 2017 amendment, in (b), inserted "and appropriations", substituted "for regular salary and personal services matching adjustments authorized by the General Assembly and" for "which have", deleted "and regulations" following "rules", and substituted "funding or appropriations to pay for the raises or increases" for "funding to pay for such raises".

The 2018 amendment by identical acts Nos. 259 and 260 substituted "Performance Fund" for "Merit Adjustment Fund" in the section heading and in (a); substituted "award raises" for "award merit raises" in (b); and added (d).

19-5-1017. [Repealed.]

Publisher's Notes. This section, concerning the Property Reappraisal Revolving Fund, was repealed by identical Acts 2017, Nos. 1083 and 1127, § 11. The

section was derived from Acts 1973, No. 750, § 7; 1980 (1st Ex. Sess.), No. 1, § 3; A.S.A. 1947, § 13-523.

19-5-1018. Higher Education Building Maintenance Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Higher Education Building Maintenance Fund".

(b) The Higher Education Building Maintenance Fund shall consist of those moneys received by the state under the provisions of § 19-7-801(b)(1) and § 19-7-802(a)(1) [repealed] after having been transferred from the General Revenue Fund Account of the State Apportionment Fund as specified in subsection (c) of this section.

(c) At the close of each quarter of each state fiscal year, the Chief Fiscal Officer of the State shall cause to be transferred on the books and on those of the Treasurer of State from the General Revenue Fund Account of the State Apportionment Fund to the Higher Education Building Maintenance Fund an amount equal to those funds received under the provisions of § 19-7-801(b)(1) and § 19-7-802(a)(1) [repealed] during the quarter just closed.

(d) Those funds accruing to the Higher Education Building Maintenance Fund under the provisions of this section shall be disbursed by the Director of the Division of Higher Education in accordance with the recommendations of the Arkansas Higher Education Coordinating Board, but only after the board shall determine the projects and

priorities for which the funds shall be used, and after the board shall have sought the advice of the Legislative Council with respect to them.

History. Acts 1985, No. 603, §§ 1-3; A.S.A. 1947, §§ 13-558 — 13-560; Acts 2009, No. 251, § 15; 2019, No. 910, § 2268.

Amendments. The 2019 amendment substituted “Division of Higher Education” for “Department of Higher Education” near the beginning of (d).

19-5-1020. Department of Human Services Renovation Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Department of Human Services Renovation Fund”.

(b) The fund shall be used for constructing, acquiring, renovating, maintaining, repairing, and equipping facilities of the Department of Human Services and for paying disallowances by the United States Government.

(c) The fund shall consist of:

(1) Federal reimbursement received by the department and deposited into the various fund accounts of the department;

(2)(A) General revenues transferred from the Division of Youth Services, the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, and the Division of Developmental Disabilities Services for the purposes of repairing, renovating, equipping, acquiring, and constructing department facilities with an annual maximum of five million dollars (\$5,000,000).

(B) The projects for which these transfers are authorized must be projects which were unanticipated during the preceding regular session of the General Assembly and must be projects which, if not carried out in the interim period between regular sessions of the General Assembly, would cause greater harm to the facilities, clients, or programs of the department than if carried out during the next regular session; and

(3) Other nongeneral revenue funds as may be available within the department that can be used for the purposes of the fund.

(d)(1) At the request of the Secretary of the Department of Human Services and upon certification of the availability of such funds, the Chief Fiscal Officer of the State shall initiate the necessary transfer documents to reflect the transfer on the books of record of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the department.

(2) The secretary shall submit any transfer plan to and must receive approval of the plan from the Chief Fiscal Officer of the State, the Governor, and the Legislative Council prior to the effective date of the transfer.

(e) Provided, that any nongeneral revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year, and all obligated general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into

the next fiscal year to satisfy such legal and contractual obligations that have been entered into prior to the end of the fiscal year.

(f) Determining the amount of funds appropriated to a state agency is the prerogative of the General Assembly and is usually accomplished by delineating specific line items and by identifying the appropriation and funding attached to that line item. The General Assembly has determined that the department could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing transfer authority in subsection (d) of this section, and since the General Assembly has granted the agency broad powers under the transfer authority concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfer authority by requiring prior approval of the Legislative Council in the utilization of this transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

History. Acts 1985, No. 719, § 1; A.S.A. 1947, § 13-562; Acts 1995, No. 1198, § 104; 1997, No. 1360, § 64; 1999, No. 1537, § 80; 2019, No. 910, § 5163.

Amendments. The 2019 amendment

substituted "Secretary of the Department of Human Services" for "Director of the Department of Human Services" in (d)(1); and substituted "secretary" for "director" in (d)(2).

19-5-1022. [Repealed.]

Publisher's Notes. This section, concerning the Helena Harbor Port Project Fund, was repealed by identical Acts

2017, Nos. 1083 and 1127, § 12. The section was derived from Acts 1985, No. 913, § 2; 1987, No. 928, § 2.

19-5-1024. Public Service Commission Tax Division Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Public Service Commission Tax Division Fund".

(b) The Public Service Commission Tax Division Fund shall be used for the maintenance, operations, and improvement of the Tax Division of the Arkansas Public Service Commission in carrying out its functions, powers, and duties as set out by law and by rules not inconsistent with law.

(c) The Public Service Commission Tax Division Fund shall consist of:

(1) The proportion due the Tax Division of the Arkansas Public Service Commission of those ad valorem taxes levied on rolling stock as set out in §§ 26-26-1614 — 26-26-1616, as prescribed in § 19-5-906;

(2) Moneys transferred from the Public Service Commission Fund in such amount as provided by this section in order to support those activities of the Tax Division of the Arkansas Public Service Commis-

sion that relate to the assessment and levying of taxes on utility property; and

(3) Moneys transferred from the Miscellaneous Agencies Fund Account in an amount that shall not exceed the difference between the total appropriation provided by the General Assembly for the Tax Division of the Arkansas Public Service Commission and the aggregate total of:

(A) The prior year remaining balance in the Public Service Commission Tax Division Fund; and

(B) The transfer provided from the Public Service Commission Fund.

(d) On July 1 of each fiscal year, the amount of the transfer from the Public Service Commission Fund to the Public Service Commission Tax Division Fund shall be in an amount which is equal to sixty-five percent (65%) of the difference between the total appropriation provided by the General Assembly for personal services and operating expenses of the Tax Division of the Arkansas Public Service Commission for the current fiscal year and the balance remaining in the Public Service Commission Tax Division Fund on the immediately preceding June 30.

History. Acts 1985, No. 352, §§ 1, 2; A.S.A. 1947, §§ 13-531.1, 13-531.2; Acts 2009, No. 251, § 16; 2019, No. 315, § 1745.

Amendments. The 2019 amendment substituted “rules” for “rule and regulation” in (b).

19-5-1026. [Repealed.]

Publisher’s Notes. This section, concerning the Arkansas Adult Probation Commission Fund, was repealed by iden-

tical Acts 2017, Nos. 1083 and 1127, § 13. The section was derived from Acts 1987, No. 928, § 3.

19-5-1027. Environmental Education Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Environmental Education Fund”.

(b) The Environmental Education Fund shall consist of that portion of moneys transferred, not to exceed two hundred seventy-five thousand dollars (\$275,000) per fiscal year, from the Hazardous Substance Remedial Action Trust Fund as set out in § 8-7-509, there to be used by the Division of Environmental Quality to provide environmental educational materials and training.

History. Acts 1987, No. 928, § 3; 1993, No. 1073, § 14; 1995, No. 1296, § 73; 1999, No. 1164, § 165; 2019, No. 910, § 3192.

Amendments. The 2019 amendment substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in (b).

19-5-1028. Abandoned Mine Reclamation Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Abandoned Mine Reclamation Fund”.

(b) The fund shall consist of moneys received through a grant from the United States Secretary of the Interior pursuant to the state abandoned mine reclamation program, there to be used by the Division of Environmental Quality for that program.

History. Acts 1987, No. 928, § 3; 1999, No. 1164, § 166; 2019, No. 910, § 3193. substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in (b).

Amendments. The 2019 amendment

19-5-1029. Surface Coal Mining Operation Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Surface Coal Mining Operation Fund”.

(b) The fund shall consist of application and permit fees for surface coal mining, there to be used by the Division of Environmental Quality only for the administration and enforcement of the Arkansas Surface Coal Mining and Reclamation Act of 1979, § 15-58-101 et seq., and as the state’s matching percentage share for any grants available to the state for the administration and enforcement of the state program as defined in § 15-58-104.

History. Acts 1987, No. 928, § 3; 1999, No. 1164, § 167; 2009, No. 251, § 17; 2019, No. 910, § 3194. substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in (b).

Amendments. The 2019 amendment

19-5-1032. [Repealed.]

Publisher’s Notes. This section, concerning the Future Operations Reserve Fund, was repealed by identical Acts 2017, Nos. 1083 and 1127, § 14. The section was derived from Acts 1987, No. 928, § 3.

19-5-1036. Research Development Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Research Development Fund”.

(b) The Research Development Fund shall consist of funds transferred from the Higher Education Building Maintenance Fund and any other moneys provided by the General Assembly, there to be used for the administration and operations of the Arkansas Research Development Program of the Division of Higher Education, as set out in the Arkansas Research Development Act, § 6-61-801 et seq.

History. Acts 1991, No. 1135, § 11; 2019, No. 910, § 2269. **Amendments.** The 2019 amendment substituted “Division of Higher Educa-

tion” for “Department of Higher Education” in (b).

19-5-1039. Rural Health Services Revolving Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Rural Health Services Revolving Fund”.

(b) The Rural Health Services Revolving Fund shall consist of funds transferred from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, or any other funds made available by the General Assembly, there to be used to provide matching funds, on a fifty-fifty (50:50) cash basis up to a maximum of two hundred thousand dollars (\$200,000) per applicant, for assisting in the stabilizing of necessary medical services provided by county, local, commercial, or nonprofit operations, all as administered by the Department of Health as set out in the Rural Health Services Revolving Fund Act, § 20-12-401 et seq.

History. Acts 1991, No. 1135, § 11; 2019, No. 82, § 12.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2019 amendment inserted “fund or fund accounts, including the Development and Enhancement Fund” in (b).

19-5-1045. County Jail Reimbursement Fund.

(a) The County Jail Reimbursement Fund is created and established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State and shall consist of those general revenues or general improvement funds that may be provided by law.

(b) The fund shall be used by the Division of Correction for reimbursing counties housing prisoners sentenced to the Division of Correction.

(c) The fund shall be used by the Division of Community Correction for reimbursing counties that are housing prisoners:

(1) Sentenced to the Division of Community Correction;

(2) Placed on probation if the probation is accompanied by incarceration in the Division of Community Correction; or

(3) Confined in a county jail under any prerelease program or sanction imposed in response to a violation of a supervised condition.

History. Acts 1991, No. 644, § 2; 2003, No. 370, § 3; 2003 (2nd Ex. Sess.), No. 16, § 2; 2013, No. 1282, § 2; 2019, No. 910, § 987.

Amendments. The 2019 amendment

substituted “Division of Correction” for “Department of Correction” twice in (b); and substituted “Division of Community Correction” for “Department of Community Correction” three times in (c).

19-5-1046. Building Authority Division Maintenance Fund.

(a)(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Building Authority Division Maintenance Fund”.

(2) The fund shall be used for the maintenance, operation, and improvement of lands, buildings, and facilities that may be acquired by the Building Authority Division.

(b)(1) The fund shall consist of all moneys received in connection with the leasing, management, and operation of building facilities and lands belonging to or managed by the division.

(2) The moneys received by the division are declared to be nonrevenue receipts.

History. Acts 1987, No. 928, § 3; 1991, No. 786, § 31; 2005, No. 2282, § 7; 2005, No. 2316, § 7; 2015 (1st Ex. Sess.), No. 7, § 15; 2015 (1st Ex. Sess.), No. 8, § 15; 2019, No. 910, § 6096.

Amendments. The 2019 amendment deleted “of the Department of Finance and Administration” following “Building Authority Division” in (a)(2).

19-5-1047. Arkansas Medicaid Rebate Program Revolving Fund — Arkansas Medicaid Rebate Program Revolving Fund Act of 1991 — Definition.

(a) This section shall be known and may be cited as the “Arkansas Medicaid Rebate Program Revolving Fund Act of 1991”.

(b) As used in this section, the term “drug manufacturer” means any person, partnership, corporation, or other institution or entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of drugs, either directly or indirectly by extraction from the substance of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or in the packaging, repackaging, labeling, relabeling, and distribution of drugs.

(c) There is established a fund to be known as the “Arkansas Medicaid Rebate Program Revolving Fund” which is created on the books of the Treasurer of State. The fund shall be administered by the Division of Medical Services.

(d)(1) The Department of Human Services is authorized to receive moneys in the form of rebates from drug manufacturers as established by contract or pursuant to the provisions of the Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101-508.

(2) Any moneys accruing to the department through these rebates shall be deposited into the State Treasury as nonrevenue receipts to be credited to the fund and transferred by the Secretary of the Department of Human Services to the Department of Human Services Medicaid Paying Accounts Account to be used solely for paying pharmacy claims in the Arkansas Medicaid Drug Rebate Program.

(3) Any general revenues that accrue as a result of the receipt of the Medicaid rebate shall be transferred to the Department of Human Services Grants Fund Account.

History. Acts 1991, No. 1023, §§ 1-4; 1993, No. 289, § 1; 2019, No. 910, § 5164. substituted “Secretary of the Department of Human Services” for “Director of the Department of Human Services” in (d)(2).

Amendments. The 2019 amendment

19-5-1050. [Repealed.]

Publisher’s Notes. This section, concerning the Child Welfare Compliance and Oversight Fund, was repealed by identical Acts 2017, Nos. 1083 and 1127, § 15. The section was derived from Acts 1992 (1st Ex. Sess.), No. 23, § 3.

19-5-1051. Parks and Tourism Outdoor Recreation Grants Fund.

(a) There is created and established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Parks and Tourism Outdoor Recreation Grants Fund”.

(b) The fund shall consist of ten percent (10%) of those special revenues as specified in § 19-6-301(145), there to be used by the Department of Parks, Heritage, and Tourism for making grants for outdoor recreational purposes to cities and counties of this state in accordance with the Arkansas Statewide Comprehensive Outdoor Recreation Plan as set out in § 15-12-103.

History. Acts 1993, No. 728, § 41; 2019, No. 910, § 5672. in (b), inserted “Heritage” and “Arkansas”.

Amendments. The 2019 amendment,

19-5-1052. Justice Building Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Justice Building Fund”.

(b) The Justice Building Fund shall consist of all moneys transferred or deposited from the State Administration of Justice Fund, there to be used exclusively by the Building Authority Division for the maintenance of the Arkansas Justice Building.

History. Acts 1993, No. 1223, § 11; 1997, No. 1248, § 23; 2007, No. 186, § 4; 2015 (1st Ex. Sess.), No. 7, § 16; 2015 (1st Ex. Sess.), No. 8, § 16; 2019, No. 910, § 6097. **Amendments.** The 2019 amendment deleted “of the Department of Finance and Administration” preceding “for the maintenance” in (b).

19-5-1055. Division of Information Systems Revolving Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Division of Information Systems Revolving Fund”.

(b)(1) The fund shall consist of nonrevenue receipts derived from services provided to various agencies of the federal, state, city, and county governments, and any other moneys which may be provided by law.

(2) The fund shall be used for the maintenance, operation, and improvement of the Division of Information Systems as set out in the Arkansas Information Systems Act of 1997, § 25-4-101 et seq.

History. Acts 1993, No. 1073, § 15; substituted “Division of Information Systems” for “Department of Information Systems” in the section heading, and in (a) 1999, No. 1463, § 22; 2003 (1st Ex. Sess.), No. 55, § 21; 2019, No. 910, § 6098.

Amendments. The 2019 amendment and (b)(2).

19-5-1056. Information Technology Reserve Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Information Technology Reserve Fund”.

(b)(1) The Information Technology Reserve Fund shall consist of those funds transferred from the Division of Information Systems Revolving Fund in an amount up to the authorized reserve for equipment acquisition as certified by the Chief Fiscal Officer of the State within thirty (30) days following the closing of each fiscal year, any loans which may be received from the Budget Stabilization Trust Fund, and any other moneys which may be provided by law.

(2) The Information Technology Reserve Fund shall be used exclusively for major equipment acquisitions or improvements as set out in § 25-4-122.

History. Acts 1993, No. 1073, § 15; substituted “Division of Information Systems” for “Department of Information Systems” in (b)(1). 1999, No. 1463, § 23; 2019, No. 910, § 6099.

Amendments. The 2019 amendment

19-5-1064. [Repealed.]

Publisher’s Notes. This section, concerning the Building Trades Revolving Fund, was repealed by Acts 2019, No. 335, § 2, effective July 24, 2019. The section was derived from Acts 1995, No. 1163, § 27.

19-5-1070. Arkansas Agricultural Marketing Grants Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Arkansas Agricultural Marketing Grants Fund”.

(b) The fund shall consist of the fees specified by § 19-6-839(b) and such moneys as may be provided by law, there to be used for making

payments of grants to eligible Arkansas wineries with respect to the purchase of grapes, fruits, berries, or vegetables produced in this state and purchased for use in this state for the production of wine.

History. Acts 1995, No. 1163, § 27; in (b), inserted “the fees specified by § 19-6-839(b) and” and deleted “exclusively” 2019, No. 1050, § 4.

Amendments. The 2019 amendment, preceding “for making payments”.

19-5-1073. [Repealed.]

Publisher's Notes. This section, concerning the Higher Education Classified Employee Salary Adjustment Fund, was repealed by identical Acts 2017, Nos. 1083

and 1127, § 16. The section was derived from Acts 1995, No. 1078, § 5; 1997, No. 1248, § 24.

19-5-1075. [Repealed.]

Publisher's Notes. This section, concerning the Small City Street Fund, was repealed by Acts 2019, No. 998, § 3, and

Acts 2019, No. 1024, § 3, effective July 1, 2019. The section was derived from Acts 1995, No. 1145, §§ 1-3.

19-5-1076. Higher Education Tuition Adjustment Fund — Intent.

(a) The Higher Education Tuition Adjustment Fund is created upon the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State. The fund shall consist of such revenues allocated to it by law.

(b) It is the intent of the General Assembly that the fund ensure that bona fide Arkansas income taxpayers, and their dependents, who are residents of a bordering state in a contiguous county to the Arkansas state line, which is contiguous to a county where an institution of higher education is located receive the same higher education opportunities as all other said taxpayers.

(c)(1) In establishing this policy, it is the intent of the General Assembly that taxpayers should have affordable access to the state's higher education institutions.

(2) Further, the Division of Higher Education will require each institution to track and report the number of qualifying students each year.

(3) A list of students who benefit from the out-of-state tuition waiver, including their Social Security number or their Arkansas taxpaying parents' or guardians' names and Social Security numbers, will be furnished by the division to the Department of Finance and Administration for confirmation that they or their parents are employed in Arkansas at a wage in excess of five thousand five hundred dollars (\$5,500) per annum.

(4) Documentation should be either an official W-2 form from an Arkansas employer reflecting wages of at least five thousand five hundred dollars (\$5,500) in the tax year prior to enrollment in college or official employer verification of a current year salary minimum of at

least five thousand five hundred dollars (\$5,500), which the college will keep on file for enrollment audit purposes.

(d)(1) The Director of the Division of Higher Education shall determine the difference between the amount of tuition revenue which would have been generated by charging the Arkansas Higher Education Coordinating Board-approved out-of-state tuition rate to said students as compared to approved in-state or out-of-district rates.

(2) Upon such determination, the director shall certify to the Chief Fiscal Officer of the State and the Treasurer of State such amounts as are required to be transferred from the fund.

(3) Upon receiving such certification, the Chief Fiscal Officer of the State and the Treasurer of State shall cause to be transferred the necessary funds and appropriation to the fund account of the institution receiving such certification from the director.

History. Acts 1995, No. 1185, § 34; substituted “Division of Higher Education” for “Department of Higher Education”
 2019, No. 910, §§ 2270, 2271.

Amendments. The 2019 amendment substituted “Department of Higher Education” in (c)(2), (c)(3), and throughout (d).

19-5-1077. Administrative Services — Client Specific Emergency Services Revolving Fund Paying Account.

(a) The Office of Finance and Administration of the Department of Human Services is authorized to establish and maintain as a cash fund account the Client Specific Emergency Services Revolving Fund Paying Account consisting of federal grants, aids, cash donations, reimbursements, and state general revenue, not to exceed a daily balance of ten thousand dollars (\$10,000), for delivery of immediate care, short-term, or emergency services to eligible clients.

(b) The account shall be established and maintained in accordance with procedures established by the Chief Fiscal Officer of the State for cash funds and shall be administered under the direction of the Secretary of the Department of Human Services.

History. Acts 1985, No. 772, § 9; 1995, substituted “Secretary of the Department of Human Services” for “Director of the Department of Human Services” in (b).
 No. 1198, § 64; 1997, No. 1360, § 66;
 2019, No. 910, § 5165.

Amendments. The 2019 amendment

19-5-1087. Justice Building Construction Fund.

(a) There is created in accordance with §§ 19-4-801 — 19-4-803, 19-4-805, 19-4-806, and the Revenue Classification Law, § 19-6-101 et seq., a cash fund entitled the “Justice Building Construction Fund”, which shall be maintained in such depository bank or banks as may, from time to time, be designated by the Building Authority Division.

(b) All moneys transferred to and deposited into the fund, whether pursuant to § 16-10-310 or otherwise, and all income, interest, and earnings thereof, are declared to be cash funds, restricted in their use, and dedicated and are to be used solely for the financing of additions, extensions, and improvements to, the renovation of, and the equipping

of such additions, extensions, and improvements of the Arkansas Justice Building situated on the State Capitol grounds. Such cash funds shall not be deemed to be a part of the State Treasury for any purpose, including, without limitation, the provisions of Arkansas Constitution, Article 5, § 29, Article 16, § 12, or Amendment 20, or any other constitutional or statutory provision.

(c) The fund shall be held and the amounts therein invested by the division in accordance with the authority provided in the Arkansas Justice Building Act, § 22-3-901 et seq. The division may also use the fund to provide for the repayment of obligations issued by the Arkansas Development Finance Authority pursuant to the State Agencies Facilities Acquisition Act of 1991, § 22-3-1401 et seq., to accomplish the purposes specified in subsection (b) of this section and to pay the costs and expenses related to the issuance of such obligations.

(d) The provisions of §§ 22-3-1402(c) [repealed] and 22-3-1406 [repealed] shall not be applicable in any respect to the construction of additions or extensions to, the renovation of, or the equipping of such additions, extensions, and renovations of the Arkansas Justice Building, and shall not, under any circumstances, constitute a limitation on or prohibition to the financing of such capital improvements by the Arkansas Development Finance Authority.

History. Acts 1997, No. 788, § 26; 1997, No. 901, § 1; 2007, No. 186, §§ 5, 6; 2015 (1st Ex. Sess.), No. 7, §§ 17, 18; 2015 (1st Ex. Sess.), No. 8, §§ 17, 18; 2019, No. 910, § 6100.

Amendments. The 2019 amendment deleted “of the Department of Finance and Administration” at the end of (a).

19-5-1095. Military Support Revolving Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Military Support Revolving Fund”.

(b)(1) The Military Support Revolving Fund shall consist of:

(A) All funds provided by law for the Military Support Revolving Fund;

(B) All moneys received by the Department of the Military from the United States Army, the United States Air Force, the United States Navy, foreign allied governments, and reserve forces of the United States, allied nations, and other federal agencies; and

(C) All federal reimbursements received by the Department of the Military under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq., for expenditures from the Military Support Revolving Fund.

(2) All reimbursements and payments to the Military Support Revolving Fund from any source shall be considered a refund to expenditures.

(c) The Military Support Revolving Fund shall be used by the department to pay reimbursements for periodic, short-term personnel augmentation for National Guard members on state active duty for

costs incurred in training activities, which shall include without limitation, goods, supplies, rations, fuel, operating expenses, and related costs and expenses.

(d) As federal reimbursements replenish the Military Support Revolving Fund, the department is authorized to return funds, as necessary, to the Special Military Fund.

History. Acts 1999, No. 959, § 3; 2009, No. 251, § 20; 2010, No. 42, § 19; 2019, No. 459, § 1; 2019, No. 910, § 5545. The 2019 amendment by No. 910 substituted “Department of the Military” for “State Military Department” in (b)(1)(B).

Amendments. The 2019 amendment by No. 459 added (b)(1)(C).

19-5-1096. Arkansas Real Property Reappraisal Fund.

(a)(1) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Arkansas Real Property Reappraisal Fund”.

(2)(A) The proceeds of the fund shall be used to pay counties and professional reappraisal companies for the reappraisal of real property required by § 26-26-1901 et seq. and shall be in lieu of real property reappraisal funding by the local taxing units in each county of this state.

(B) There shall be no deduction from the proceeds of the fund to pay any other fees or expenses except as provided in § 26-26-1901 et seq.

(b) For cause and after an opportunity for hearing, the Director of the Assessment Coordination Division may suspend or terminate the contract of any appraisal firm or county.

(c)(1) The fund proceeds shall be distributed monthly, except when there is a determination by the Assessment Coordination Division that proper reappraisal procedures established by the division are not being followed.

(2)(A)(i) Upon a finding by the division that proper reappraisal procedures are not being followed, the county assessor or contractor shall be notified that the reappraisal is out of compliance with accepted guidelines established in § 26-26-1901 et seq. and rules enacted pursuant thereto.

(ii) The division shall notify the county assessor or contractor in writing that the assessor or contractor has thirty (30) days in which to bring the reappraisal into compliance.

(B) If there is a further finding that proper reappraisal procedures are not being followed, the contract shall be promptly terminated and the division shall negotiate another contract and management plan for the completion of the reappraisal project.

(d) Based on its expertise and the criteria and requirements set forth in § 26-26-1901 et seq., the division shall establish by rule the findings that indicate that proper reappraisal procedures are not being followed.

(e) At the end of each countywide reappraisal, the division shall issue a report of the status of the county.

History. Acts 1999, No. 1185, § 6; 2001, No. 1553, § 29; 2019, No. 388, § 3.

Amendments. The 2019 amendment inserted “on the books of the Treasurer of State, the Auditor of State, and the Chief

Fiscal Officer of the State a fund to be known as” in (a)(1); added the (a)(2)(A) designation; substituted “§ 26-26-1901 et seq.” for “this subchapter” in (a)(2)(A); and added (a)(2)(B).

19-5-1097. Public Roads Incentive Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Public Roads Incentive Fund” of the Arkansas Economic Development Council.

(b) The fund shall consist of contributions made by taxpayers for public roads projects approved by the Director of the Arkansas Economic Development Commission and any other funds as are designated or deposited into the fund by law.

(c)(1) A separate account shall be established for each project, and contributions for a project shall be applied to provide funding assistance for that project.

(2) Any contributions which remain in the fund when a project is completed or terminated shall be held and applied to other public roads projects in such manner as the director shall direct.

History. Acts 1999, No. 1347, § 1; 2019, No. 910, §§ 488, 489.

deleted “Executive” preceding “Director” in (b) and deleted “executive” preceding “director” in (c)(2).

Amendments. The 2019 amendment

SUBCHAPTER 11 — TRUST FUNDS CONTINUED

SECTION.

- 19-5-1101. [Repealed.]
- 19-5-1102. Performance Partnership Trust Fund.
- 19-5-1105. Small Business Revolving Loan Fund.
- 19-5-1111. Environmental Settlement Trust Fund.
- 19-5-1114. Arkansas Construction Industry Craft Training Trust Fund.
- 19-5-1126. Arkansas Public Transit Trust Fund.
- 19-5-1131. Division of Workforce Services Training Trust Fund.
- 19-5-1136. Animal Rescue and Shelter Trust Fund — Definition.
- 19-5-1137. Division of Environmental Quality Fee Trust Fund.
- 19-5-1139. [Repealed.]
- 19-5-1140. Water Performance Bond Fund.
- 19-5-1141. [Repealed.]

SECTION.

- 19-5-1142. Nonmunicipal Domestic Sewage Treatment Works Trust Fund.
- 19-5-1145. Arkansas Healthcare Transparency Initiative Fund.
- 19-5-1147. Gold Star Family Memorial Monument Fund.
- 19-5-1148. Used Tire Recycling Fund.
- 19-5-1149. National Statuary Hall Collection Trust Fund.
- 19-5-1150. Arkansas Major Historic Rehabilitation Trust Fund.
- 19-5-1151. University of Arkansas for Medical Sciences National Cancer Institute Designation Trust Fund — Report.
- 19-5-1152. Arkansas Public Safety Trust Fund.
- 19-5-1153. Arkansas Firefighter Cancer Relief Network Trust Fund.

Effective Dates. Identical Acts 2017, Nos. 1083 and 1127, § 26: July 1, 2017. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period is later than July 1, 2017, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.”

Acts 2019, No. 82, § 23: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the General Improvement Fund should no longer be utilized; that the Development and Enhancement Fund is necessary to complete unfinished state projects; and that this act is necessary to address infrastructure needs and unanticipated needs of the State of Arkansas. Therefore, an emergency is declared to exist, and this act

being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled ‘Funding and classification of cabinet-level department secretaries’ and ‘Transformation and Efficiencies Act transition team’ should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019”.

19-5-1101. [Repealed.]

Publisher’s Notes. This section, concerning the Post-Secondary Education Holding Trust Fund, was repealed by

identical Acts 2017, Nos. 1083 and 1127, § 17. The section was derived from Acts 1999, No. 1400, § 38.

19-5-1102. Performance Partnership Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State the “Performance Partnership Trust Fund”, to consist of funds transferred from the Landfill Post-Closure Trust Fund and such other funds as are made available by law.

(b) The Performance Partnership Trust Fund shall be used by the Division of Environmental Quality to defray the costs of developing and implementing a management organization utilizing the principles of the National Environmental Performance Partnership System, advocated by the United States Environmental Protection Agency, which integrates environmental indicators, management information, and performance-based budgeting and accounting to measure agency performance.

History. Acts 1999, No. 1210, § 4; 2019, No. 910, § 3195.

Amendments. The 2019 amendment substituted “Division of Environmental

Quality” for “Arkansas Department of Environmental Quality” in (b).

19-5-1105. Small Business Revolving Loan Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Small Business Revolving Loan Fund”.

(b)(1) The Small Business Revolving Loan Fund shall consist of moneys transferred from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, interest earnings, repayment of loans, and moneys recovered for loan losses under the loan program created in the Small Business Revolving Loan Fund for Pollution Control and Prevention Technologies Act, § 8-5-801 et seq., and any other moneys made available by law or from any other source.

(2) The Small Business Revolving Loan Fund shall be administered by the Division of Environmental Quality and used exclusively for those purposes set out in the Small Business Revolving Loan Fund for Pollution Control and Prevention Technologies Act, § 8-5-801 et seq.

History. Acts 1999, No. 1463, § 19; 2019, No. 82, § 13; 2019, No. 910, § 3196.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2019 amendment by No. 82 inserted “or its successor fund or fund accounts, including the Development and Enhancement Fund” in (b)(1).

The 2019 amendment by No. 910 substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in (b)(2).

19-5-1111. Environmental Settlement Trust Fund.

There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State, the “Environmental Settlement Trust Fund” to consist of funds received by the State of Arkansas pursuant to settlement agreements for environmental or natural resources damages, interest earnings, and any other moneys designated to be deposited into the fund, there to be administered by the Director of the Division of Environmental Quality.

History. Acts 2001, No. 1416, § 44; 2019, No. 910, § 3197.

Amendments. The 2019 amendment deleted “ADEQ” preceding “Environmental Settlement Trust Fund” in the section

heading and the section; and substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality”.

19-5-1114. Arkansas Construction Industry Craft Training Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Arkansas Construction Industry Craft Training Trust Fund”.

(b)(1) The fund shall consist of the net proceeds of the construction permit surcharge as set out in § 6-55-106.

(2) The fund shall be used to support training programs set out in the Arkansas Construction Industry Craft Training Act, § 6-55-101 et seq., administered by the Office of Skills Development and the State Apprenticeship Coordination Steering Committee.

History. Acts 2001, No. 1646, § 11; substituted “Office of Skills Development”
2019, No. 910, § 2272. for “Department of Career Education” in

Amendments. The 2019 amendment (b)(2).

19-5-1126. Arkansas Public Transit Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Arkansas Public Transit Trust Fund”.

(b) The fund shall consist of seventy-five percent (75%) of the net revenues derived from the additional rental vehicle tax imposed by § 26-63-302.

(c) The fund shall be used by the Arkansas Department of Transportation for:

(1) The purpose of acquiring federal matching funds for the purchase of public transportation vehicles;

(2) Public transit equipment or facilities; and

(3) The operation of the United States Department of Transportation Federal Transit Administration assistance programs.

History. Acts 2003 (1st Ex. Sess.), No. substituted “Department of Transportation”
55, § 18; 2007, No. 182, § 16; 2007, No. for “State Highway and Transportation
1032, § 29; 2007, No. 1201, § 29; 2017, Department” in the introductory lan-
No. 707, § 52. guage of (c).

Amendments. The 2017 amendment

19-5-1131. Division of Workforce Services Training Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Division of Workforce Services Training Trust Fund”.

(b)(1) The fund shall consist of the proceeds of the stabilization tax specified in § 11-10-706(f), any interest accruing on these revenues, and any other funds made available by the General Assembly.

(2) The fund shall be used for worker training under rules promulgated by the Director of the Division of Workforce Services.

(c) The director shall report to the Legislative Council on a quarterly basis on all uses of the fund.

History. Acts 2007, No. 551, § 1; 2019, No. 315, § 1746; 2019, No. 910, § 490.

Amendments. The 2019 amendment by No. 315 deleted “and regulations” following “rules” in (b)(2).

The 2019 amendment by No. 910 substituted “Division of Workforce Services

Training Trust Fund” for “Department of Workforce Services Training Trust Fund” in the section heading and (a); and substituted “Division of Workforce Services” for “Department of Workforce Services” in (b)(2).

19-5-1136. Animal Rescue and Shelter Trust Fund — Definition.

(a) As used in this section, “registered governmentally owned animal rescue shelter” means an animal rescue or shelter owned by a county or municipality that has submitted notice to the Department of Finance and Administration as required under subsection (f) of this section and is on the official list of registered governmentally owned animal rescue shelters prepared by the Secretary of the Department of Finance and Administration under subsection (f) of this section.

(b) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Animal Rescue and Shelter Trust Fund”.

(c) The fund shall consist of those special revenues as specified in § 27-24-1409(c)(1)(B) and any other revenues as may be authorized by law.

(d) The fund shall be distributed as follows:

(1) Thirty-five percent (35%) is distributed to and used by the counties as follows:

(A) Each county that has at least one (1) registered governmentally owned animal rescue shelter shall receive a proportional distribution based on the county’s population as determined by the most recent federal decennial census;

(B) Funding received by a county under this subdivision (d)(1) shall be used exclusively for the construction, maintenance, or operation of registered governmentally owned animal rescue shelters; and

(C) A county may contract with or provide grants to a private nonprofit organization for the operation of the registered governmentally owned animal rescue shelter;

(2) Thirty-five percent (35%) is distributed to and used by municipalities as follows:

(A) Each municipality that has at least one (1) registered governmentally owned animal rescue shelter shall receive a proportional distribution based on the municipality’s population as determined by the most recent federal decennial census;

(B) Funding received by a municipality under this subdivision (d)(2) shall be used exclusively for the construction, maintenance, or operation of registered governmentally owned animal rescue shelters; and

(C) A municipality may contract with or provide grants to a private nonprofit organization for the operation of the registered governmentally owned animal rescue shelter; and

(3)(A) Thirty percent (30%) is distributed to the Rural Services Division of the Arkansas Economic Development Commission to provide grants to a county or municipality based only on the infrastructure needs for animal rescues or animal shelters.

(B) Moneys distributed under this section shall not be limited to registered governmentally owned animal rescue shelters but shall be used exclusively for infrastructure needs for animal rescues or animal shelters.

(e) Any funds received by a county or municipality under subsection (d) of this section that are not used within one (1) year from the date of receipt by the county or municipality must be returned to the fund.

(f)(1)(A) On or before October 1, 2009, a county or municipality that owns one (1) or more animal rescues or animal shelters on the date that notification is mailed shall notify the secretary in writing to qualify for funding under this section.

(B) The notification under subdivision (f)(1)(A) of this section shall include the physical address and telephone number of each animal rescue or animal shelter that the county or municipality owns.

(2)(A) On or before October 15, 2009, the secretary shall provide the Treasurer of State with a list of each county and municipality that has registered as owning an animal rescue shelter.

(B) The list submitted by the department shall be known as the official list of registered governmentally owned animal rescue shelters that are eligible to receive funding under subdivisions (d)(1) and (2) of this section.

(C) The list submitted by the department shall include the physical address, telephone number, and the municipality, if applicable, and county in which the registered governmentally owned animal rescue shelter is located.

(3)(A) A county or municipality that begins to own or operate an animal rescue or animal shelter after October 1, 2009, may notify the department in the same manner as provided under subdivision (f)(1) of this section and shall begin to receive funds under subdivisions (d)(1) and (2) of this section on the first distribution by the Treasurer of State following sixty (60) days after written notice to the department was received.

(B) As soon as practicable to ensure that a county or municipality that begins to own or operate a registered governmentally owned animal rescue shelter after October 1, 2009, the department shall revise the official list of registered governmentally owned animal rescue shelters to include the addition of the most recent registered governmentally owned animal rescue shelters and provide the list to the Treasurer of State.

History. Acts 2009, No. 692, § 1; 2015 Sess.), No. 8, § 134; 2019, No. 910, (1st Ex. Sess.), No. 7, § 134; 2015 (1st Ex. §§ 3461-3463.

Amendments. The 2019 amendment substituted “Secretary of the Department of Finance and Administration” for “Director of the Department of Finance and Administration” in (a); and substituted “secretary” for “director” in (f)(1)(A) and (f)(2)(A).

19-5-1137. Division of Environmental Quality Fee Trust Fund.

The Division of Environmental Quality Fee Trust Fund shall consist of those special revenues as specified in § 19-6-301(104), there to be used to defray the costs of operating the Division of Environmental Quality as set out in §§ 8-1-101 — 8-1-107.

History. Acts 2009, No. 1440, § 4; 2009, No. 1441, § 4; 2019, No. 910, § 3198.

Amendments. The 2019 amendment substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in the section heading and twice in the section.

19-5-1139. [Repealed.]

Publisher’s Notes. This section, concerning the Best Practices Fund, was repealed by Acts 2019, No. 249, § 2, effective July 24, 2019. The section was derived from Acts 2011, No. 570, § 124; 2013, No. 1335, § 7.

19-5-1140. Water Performance Bond Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Water Performance Bond Fund”.

(b) The fund shall consist of the following:

- (1) Funds appropriated by the General Assembly;
- (2) All forfeitures collected under § 8-4-201 et seq.;
- (3) Grants made by a person or the United States Government;
- (4) Gifts and donations; and
- (5) Interest earned on the moneys deposited into the fund.

(c) The fund shall be used by the Division of Environmental Quality to hire a third-party contractor to:

(1) Take remedial action, including without limitation corrective action, the closure of a nonmunicipal domestic sewage treatment works, and any other action the Director of the Division of Environmental Quality determines to be necessary; or

(2) Maintain and operate a nonmunicipal domestic sewage treatment works.

History. Acts 2013, No. 402, § 3; 2017, No. 263, § 3; 2019, No. 910, § 3199.

Amendments. The 2017 amendment inserted “domestic” in (c)(2). The 2019 amendment substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” twice in (c).

19-5-1141. [Repealed.]

Publisher’s Notes. This section, concerning the Health Care Independence Program Trust Fund, was repealed by Acts 2019, No. 388, § 4, effective July 24,

2019. The section was derived from Acts No. 1, § 7; 2016 (2nd Ex. Sess.), No. 2, 2013, No. 1496, § 22; 2013, No. 1497, § 2; § 7. 2013, No. 1498, § 2; 2016 (2nd Ex. Sess.),

19-5-1142. Nonmunicipal Domestic Sewage Treatment Works Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Nonmunicipal Domestic Sewage Treatment Works Trust Fund”.

(b) The fund shall consist of:

- (1) Funds appropriated by the General Assembly;
- (2) Trust fund contribution fees under § 8-4-203(b);
- (3) Grants made by any person, state agency, or federal government agency;

(4) Gifts and donations; and

(5) Interest earned on the moneys deposited into the fund.

(c)(1) The fund shall be used by the Division of Environmental Quality to ensure adequate operation, maintenance, and completed closure of a nonmunicipal domestic sewage treatment works if the Director of the Division of Environmental Quality determines that an owner or operator has not adequately operated, maintained, or completed closure of the nonmunicipal domestic sewage treatment works.

(2) If the director determines that an owner or operator has not adequately operated, maintained, or completed closure of the nonmunicipal domestic sewage treatment works, the division may use moneys in the fund to hire a third-party contractor to:

(A) Take remedial action, including without limitation corrective action;

(B) Initiate or complete the closure of a nonmunicipal domestic sewage treatment works;

(C) Maintain and operate a nonmunicipal domestic sewage treatment works; or

(D) Take any other action the director determines to be necessary to carry out the purposes of this section and § 8-4-203(b).

(3) The fund may be used by the division to do the following:

(A) Provide reimbursement to a nonmunicipal domestic sewage treatment works under § 8-4-203(b);

(B) Provide technical support to nonmunicipal domestic sewage treatment works to promote adequate operation, maintenance, or completed closure of a facility; and

(C) Pay reasonable costs and expenses of the division for administering the fund.

History. Acts 2015, No. 575, § 4; 2017, No. 263, § 4; 2017, No. 987, § 4; 2019, No. 910, § 3200.

Amendments. The 2017 amendment by No. 263 inserted “domestic” in (c)(2)(C). The 2017 amendment by No. 987 added

(c)(3).

The 2019 amendment by No. 910 substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” twice in (c)(1); substituted “division” for “department” in

the introductory language of (c)(2) and in (c)(3)(C); and substituted “division” for “Arkansas Department of Environmental Quality” in the introductory language of (c)(3).

19-5-1145. Arkansas Healthcare Transparency Initiative Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Arkansas Healthcare Transparency Initiative Fund”.

(b)(1) The fund shall be an interest-bearing account and may be invested in the manner permitted by law, with the interest income a proper credit to the fund and which shall not revert to general revenue, unless otherwise designated in law.

(2) The fund shall be overseen by the State Insurance Department and shall be used to pay all proper costs incurred in implementing the provisions of the Arkansas Healthcare Transparency Initiative Act of 2015, § 23-61-901 et seq.

(c) The following moneys shall be paid into the fund:

(1) Penalties imposed on submitting entities pursuant to the Arkansas Healthcare Transparency Initiative Act of 2015, § 23-61-901 et seq., and rules promulgated under the Arkansas Healthcare Transparency Initiative Act of 2015, § 23-61-901 et seq.;

(2) Appropriations from the General Assembly; and

(3) All other subscription fees or payments made by third parties to the department for data access.

(d) Activities of the Arkansas Healthcare Transparency Initiative Board and the availability of data as authorized in § 23-61-905(c)(1) are contingent upon available funding.

History. Acts 2015, No. 1233, § 2; 2017, No. 979, § 1.

Amendments. The 2017 amendment deleted former (c)(2) and redesignated the remaining subdivisions accordingly; and

substituted “subscription fees or payments made by third parties to the State Insurance Department for data access” for “payments, gifts, grants, bequests, or income from any source” in (c)(3).

19-5-1147. Gold Star Family Memorial Monument Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Gold Star Family Memorial Monument Fund”.

(b) The fund shall consist of gifts, grants, and donations from individuals and organizations as provided under the Gold Star Family Memorial Monument Act, § 22-3-222, and other funds as may be provided by law.

(c) The fund shall be used exclusively for the purpose of erecting and maintaining a suitable monument on the State Capitol grounds in

recognition and appreciation of Gold Star Families, as provided in the Gold Star Family Memorial Monument Act, § 22-3-222.

History. Acts 2017, No. 281, § 3.

A.C.R.C. Notes. Acts 2017, No. 281, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) The United States has numerous memorials and monuments giving honor to the patriots who have sacrificed and given their lives for our freedom and paying tribute to those who have faithfully served in the United States Armed Forces since the founding of our republic;

"(2) There is a group of our citizens especially to be honored, the families who have had a loved one who died while serving in the United States Armed Forces to protect our freedom and to give freedom to many who have never experienced it;

"(3) The Gold Star Family Memorial Monument honors those families who sacrificed more than most of us, and illustrates that the United States has citizens in every community willing to make such sacrifices;

"(4) The Gold Star Family Memorial Monument further illustrates that families suffer and grieve when a dear relative is lost, and without their sacrifices, freedom could not and would not have been preserved; and

"(5) The Gold Star Family Memorial Monument is appropriate for the placement on State Capitol grounds as a tribute to all the families who have had a loved one who died while serving in the United States Armed Forces."

19-5-1148. Used Tire Recycling Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Used Tire Recycling Fund".

(b)(1) The Department of Finance and Administration shall deposit into the State Treasury ninety-three percent (93%) of the moneys collected under § 8-9-404 to the credit of the Used Tire Recycling Fund.

(2) The Used Tire Recycling Fund shall consist of:

(A) Penalties assessed and collected under the Used Tire Recycling and Accountability Act, § 8-9-401 et seq.;

(B) Interest, earnings, and any other revenues as may be authorized by law;

(C) Any United States Government moneys designated for deposit into the Used Tire Recycling Fund;

(D) Any gift or donation to the Used Tire Recycling Fund; and

(E) Those special revenues specified in §§ 8-9-404 and 19-6-301(165).

(3) The Used Tire Recycling Fund shall not include:

(A) Five percent (5%) of the rim removal fee retained for administrative costs by tire retailers under § 8-9-404(a)(5)(B) and commercial generators under § 8-9-404(d)(5)(B);

(B) The percentage of net special revenue deducted and deposited to the credit of the Special Revenue Fund Account of the State Apportionment Fund under § 19-5-203; or

(C) Seven percent (7%) deducted from the proceeds of fees imposed under § 8-9-404 and deposited into the Division of Environmental Quality Fee Trust Fund under § 8-9-404(b)(1)(B), § 8-9-404(c)(3)(A)(ii), and § 8-9-404(d)(7)(B).

(c)(1) At least ninety percent (90%) of the moneys available in the Used Tire Recycling Fund each fiscal year shall be used by the Division of Environmental Quality to provide reimbursements to used tire programs, to administer the Used Tire Recycling and Accountability Program, and to perform other duties under the Used Tire Recycling and Accountability Act, § 8-9-401 et seq.

(2) The Director of the Division of Environmental Quality may use not more than ten percent (10%) of the moneys available in the Used Tire Recycling Fund each fiscal year:

(A) For waste tire site abatement aid;

(B) For the development, implementation, and maintenance of the electronic uniform used tire manifest system; and

(C) To provide market and economic stimulus incentives.

History. Acts 2017, No. 317, § 3; 2019, No. 910, §§ 3201, 3202.

A.C.R.C. Notes. Acts 2017, No. 317, § 5, provided:

“(a) All moneys in the Waste Tire Grant Fund at 11:59 p.m. on the day before the effective date of this act [August 1, 2017] shall be transferred to the Used Tire Recycling Fund at 12:00 a.m. on the effective date of this act [August 1, 2017].

“(b)(1) After the effective date of this act [August 1, 2017] and until 11:59 p.m. on December 31, 2017, the following fees under § 8-9-404 as it existed on January 1, 2017, shall continue to be imposed and collected in the same manner, at the same rate, using the definitions under § 8-9-402, and as otherwise provided under Title 8, Chapter 9, Subchapter 4, as the law existed on January 1, 2017:

“(A) Fees imposed upon the sale of each new automobile tire and truck tire sold at retail; and

“(B) In addition to the fee imposed on new tires, the fee imposed on all waste automobile and truck tires imported into Arkansas.

“(2) The fees imposed and collected under subdivision (b)(1) of this section shall be deposited into the Used Tire Recycling Fund.

“(c) After the effective date of this act [August 1, 2017], the waste tire management grant distribution program under Title 8, Chapter 9, Subchapter 4, and Arkansas Pollution Control and Ecology Commission Regulation No. 14 that existed on January 1, 2017, and is administered by the Arkansas Department of Environmental Quality shall:

“(1) Continue until the final quarterly disbursements for the last calendar year quarter of 2017 are processed; and

“(2) Be funded based on the moneys allocated and available at the end of each calendar quarter from the Used Tire Recycling Fund under § 19-5-1147(c)(1) [§ 19-5-1148(c)(1)] using the distribution formula in effect on January 1, 2017, until the final quarterly distribution is made based on moneys allocated and available in the Used Tire Recycling Fund under § 19-5-1147(c)(1) [§ 19-5-1148(c)(1)] on December 31, 2017.

“(d) After the effective date of this act [August 1, 2017] and until June 30, 2018, the moneys allocated and available at the end of each calendar quarter from the Used Tire Recycling Fund under § 19-5-1147(c)(2) [§ 19-5-1148(c)(2)] may also be used at the discretion of the Arkansas Department of Environmental Quality:

“(1) To fund the waste tire support grant program that existed before the effective date of this act [August 1, 2017]; and

“(2) For used tire program transitional funding.

“(e)(1) The first reimbursements to used tire programs under the Used Tire Recycling and Accountability Act, § 8-9-401 et seq., shall be from the moneys allocated and available from the Used Tire Recycling Fund under § 19-5-1147(c)(1) [§ 19-5-1148(c)(1)] for reimbursement requests for processing used tires in compliance with this act from January 1, 2018, through March 31, 2018.

“(2) All subsequent reimbursements to used tire programs under the Used Tire Recycling and Accountability Act, § 8-9-

401 et seq., shall be on a calendar quarterly basis for reimbursement for the processing of used tires in compliance with the Used Tire Recycling and Accountability Act.

“(f) Permits and licenses issued or renewed on and after January 1, 2018, to a person or entity that collects, stores, transports, processes, recycles, or disposes of used tires regulated under this sub-

chapter shall be issued under the Used Tire Recycling and Accountability Act, § 8-9-401 et seq., and applicable regulations promulgated by the Arkansas Pollution Control and Ecology Commission.”

Amendments. The 2019 amendment substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in (b)(3)(C), (c)(1), and the introductory language of (c)(2).

19-5-1149. National Statuary Hall Collection Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “National Statuary Hall Collection Trust Fund”.

(b) The fund shall consist of:

(1) Gifts, grants, and donations from individuals and organizations to fund Arkansas’s contribution to the National Statuary Hall Collection in the United States Capitol; and

(2) Any other funds as may be provided by law, including appropriations made specifically to the fund.

(c) The fund shall be used exclusively for the purpose of placement and replacement of Arkansas statues in the National Statuary Hall Collection in the United States Capitol as provided under § 1-4-134.

History. Acts 2019, No. 1068, § 3.

A.C.R.C. Notes. Acts 2019, No. 1068, § 4, provided: “Rules.

“(a) The Secretary of State may promulgate rules necessary to implement this act.

“(b)(1) If adopting necessary initial rules to implement this act, a final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

“(A) On or before March 1, 2020; or

“(B) If approval under § 10-3-309 has not occurred by March 1, 2020, as soon as practicable after approval under § 10-3-309.

“(2) The Secretary of State shall file any necessary proposed rules with the Legislative Council under § 10-3-309 sufficiently in advance of March 1, 2020, so that the Legislative Council may consider the rule for approval before March 1, 2020”.

19-5-1150. Arkansas Major Historic Rehabilitation Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Arkansas Major Historic Rehabilitation Trust Fund”.

(b) The Arkansas Major Historic Rehabilitation Trust Fund shall consist of:

(1) Grants, donations, or transfers made by any person or government agency or office;

(2) Any remaining balances in the Arkansas Major Historic Rehabilitation Trust Fund carried forward from year to year; and

(3) Any other funds authorized or provided by law.

(c) The Arkansas Major Historic Rehabilitation Trust Fund shall be used to offset the costs of the income tax credits allowed under the

Arkansas Major Historic Rehabilitation Income Tax Credit Act, § 26-51-2601 et seq., as follows:

(1) By June 30 of each year, the Secretary of the Department of Finance and Administration shall certify:

(A) To the Division of Arkansas Heritage the amount in the Arkansas Major Historic Rehabilitation Trust Fund, which shall serve as the maximum amount of Arkansas major historic rehabilitation income tax credits that the division may approve for the next fiscal year; and

(B) To the Treasurer of State the amount of Arkansas major historic rehabilitation income tax credits claimed during the current fiscal year; and

(2) On July 1 of each year, the Treasurer of State shall transfer the amount certified under subdivision (c)(1)(B) of this section to the General Revenue Fund Account of the State Apportionment Fund to be distributed as authorized under § 19-5-202(b)(2)(B)(vi).

History. Acts 2019, No. 855, § 1.

19-5-1151. University of Arkansas for Medical Sciences National Cancer Institute Designation Trust Fund — Report.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “University of Arkansas for Medical Sciences National Cancer Institute Designation Trust Fund”.

(b) The fund shall consist of:

(1) Moneys obtained from private grants or other sources that are designated to be credited to the fund; and

(2) Any other funds authorized or provided by law.

(c) The fund shall be used by the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences solely to achieve and maintain status as a National Cancer Institute-Designated Cancer Center.

(d) The Treasurer of State shall invest the moneys available in the fund.

(e)(1) The investment of funds under this section is exempt from § 19-3-518(a)(2)(B)(i)(b) and (c).

(2) Moneys in the fund may be invested in any instrument:

(A) Listed in § 19-3-518(b)(1)(B); and

(B) Approved by the guidelines established by the State Treasury investment policy approved by the State Board of Finance.

(f) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

(g)(1) The Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences shall submit a semiannual report containing the following information to the Governor; the Legislative Council or, if the General Assembly is in session, the Joint Budget

Committee; the Senate Committee on Public Health, Welfare, and Labor; and the House Committee on Public Health, Welfare, and Labor:

(A) The balance of the fund as of the reporting date;

(B) A list of the administrative costs paid for from the fund, including without limitation salaries, pensions, and packages;

(C) The total revenue received by the fund during the reporting period; and

(D) A detailed description of the steps taken and the progress made toward achieving status as a National Cancer Institute-Designated Cancer Center during the reporting period.

(2) The semiannual report required under this subsection shall be submitted by January 1 and July 1 of each year.

History. Acts 2019, No. 181, § 2.

A.C.R.C. Notes. Acts 2019, No. 181, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) In 2018, approximately sixteen thousand (16,000) Arkansans were diagnosed with cancer in 2018, which means that forty-four (44) Arkansans were diagnosed with cancer per day;

"(2) Of those sixteen thousand (16,000) Arkansans diagnosed with cancer, six thousand nine hundred ten (6,910) will die of the disease;

"(3) The four (4) types of cancer with significantly high annual diagnosis rates in Arkansas are:

"(A) Lung and bronchus cancer, with two thousand seven hundred twenty (2,720) diagnoses;

"(B) Breast cancer, with two thousand one hundred sixty (2,160) diagnoses;

"(C) Prostate cancer, with one thousand two hundred sixty (1,260) diagnoses; and

"(D) Colon and rectal cancer, with one thousand three hundred seventy diagnoses (1,370);

"(4) Over the past twenty-eight (28) years, nationwide cancer-related deaths have decreased by five percent (5%), but in Arkansas the rate of cancer-related deaths has increased by nine percent (9%);

"(5) Only Kentucky, Mississippi, and Oklahoma had higher cancer-related death rates in the past twenty-eight (28) years than Arkansas;

"(6) Cancer is the second-leading cause of death in Arkansas and may become the leading cause of death within the next decade, surpassing the current leading cause, cardiovascular disease, based on the diagnosis trends in the state;

"(7) There are currently seventy (70) National Cancer Institute-Designated Cancer Centers, located in thirty-six (36) states and the District of Columbia, including National Cancer Institute-Designated Cancer Centers in Texas, Missouri, Oklahoma, and Tennessee;

"(8) There are no National Cancer Institute-Designated Cancer Centers in Arkansas, Mississippi, or Louisiana;

"(9) In 2018, the State of Oklahoma received the seventieth National Cancer Institute-Designated Cancer Center;

"(10) Having a National Cancer Institute-Designated Cancer Center in Arkansas will improve and expand access to clinical trials, cancer treatment, cancer prevention, cancer screening, and education in Arkansas;

"(11) A National Cancer Institute-Designated Cancer Center in Arkansas would act as a hub of groundbreaking treatments and care for the communities around the state;

"(12) Arkansas cancer patients often times are required to leave the state to receive treatment at a National Cancer Institute-Designated Cancer Center;

"(13) National Cancer Institute-Designated Cancer Centers have expanded treatment options due to research grant funds and experimental trials, and hundreds of research studies are underway at these centers, ranging from basic laboratory research to clinical assessments of new treatments not currently available in Arkansas;

"(14) Having a National Cancer Institute-Designated Cancer Center in the state would save the lives of thousands of Arkansans through expanded treatment opportunities, including opportunities to

participate in experimental cancer treatments;

"(15) Being a National Cancer Institute-Designated Cancer Center would allow the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences to be awarded more research funds, which will provide additional experimental cancer treatments in the state;

"(16) A National Cancer Institute-Designated Cancer Center will provide support for cancer treatment providers, clinics, and hospitals in Arkansas;

"(17) In addition to the human suffering caused by cancer, there are economic costs that result from the disease, including medical costs and the impact on the productivity of the cancer patient and his or her family;

"(18) The Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences is pursuing designation as a National Cancer Institute-Designated Cancer Center for the benefit of the more than three million (3,000,000) citizens of Arkansas;

"(19) The National Cancer Institute recommends that a cancer center have at least twenty million dollars (\$20,000,000) in National Cancer Institute-funded research;

"(20) The Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences currently has approximately ten million dollars (\$10,000,000) in National Cancer Institute-funded research;

"(21) The Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences can apply for only a limited number of National Cancer Institute grant funds because over sixty percent (60%) of the National Cancer Institute's grant applications require that the cancer center be a National Cancer Institute-Designated Cancer Center in order to apply for the grant funds;

"(22) In order to achieve status as a National Cancer Institute-Designated Cancer Center, the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences will need to recruit:

"(A) A renowned expert in cancer research to serve as the Director of the Winthrop P. Rockefeller Cancer Institute

at the University of Arkansas for Medical Sciences; and

"(B) Nationally recognized National Cancer Institute-funded medical professionals;

"(23) To be successful in gaining status as a National Cancer Institute-Designated Cancer Center, ongoing, dedicated financial support from the State of Arkansas is critical;

"(24) The Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences will need a stream of funding between ten million dollars (\$10,000,000) and twenty million dollars (\$20,000,000) per year to establish and maintain a National Cancer Institute-Designated Cancer Center;

"(25) Like other states that have been successful in securing status as a National Cancer Institute-Designated Cancer Center for their cancer centers, it is incumbent that the State of Arkansas invest in this initiative;

"(26) It is a strategic goal of the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences to become a National Cancer Institute-Designated Cancer Center;

"(27) State government funds will assist the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences secure vital investments from other public and private sources;

"(28) The Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences is committed to raising at least thirty million dollars (\$30,000,000) in private funds to support the pursuit of achieving status as a National Cancer Institute-Designated Cancer Center;

"(29) The private resources pursued by the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences are a part of a cohesive and focused plan that will forever change the state;

"(30) It is estimated that having a National Cancer Institute-Designated Cancer Center will bring in an additional seventy million dollars (\$70,000,000) annually to Arkansas's economy and will create one thousand five hundred eighty-four (1,584) new jobs over five (5) years;

"(31) The state should establish a fund solely for the purpose of pursuing and maintaining status as a National Cancer

Institute-Designated Cancer Center for the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences;

“(32) If upon June 30, 2027, the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences has not achieved status as a National Cancer Institute-Designated Cancer Center, then the fund created in this act should sunset; and

“(33) Future General Assemblies will have the authority and responsibility to evaluate the progress of the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences toward achieving status as a National Cancer Institute-Designated Cancer Center and adjust this act accordingly”.

19-5-1152. Arkansas Public Safety Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Arkansas Public Safety Trust Fund”.

(b)(1) The fund shall be an interest-bearing account and may be invested in the manner permitted by law, with the interest income a proper credit to the fund and which shall not revert to general revenue.

(2) The fund shall be overseen by the Division of Emergency Management and shall be used to pay all authorized expenditures and proper costs as described in subsections (d) and (e) of this section.

(c) The fund shall consist of:

(1) Public safety charges assessed and collected under § 12-10-318(b) and § 12-10-326; and

(2) Any other moneys as authorized by law.

(d) On or before the fifteenth business day of December 2019 and on the fifteenth business day of each month thereafter, up to fourteen thousand dollars (\$14,000) of the moneys in the fund shall be distributed to the division to provide administrative support for the fund.

(e) On or before the fifteenth business day of July 2020 and on the fifteenth business day of each fiscal quarter thereafter, moneys in the fund shall be distributed as follows:

(1) Up to sixty-two thousand five hundred dollars (\$62,500) to the Arkansas Commission on Law Enforcement Standards and Training; and

(2) Up to two million dollars (\$2,000,000) to the division to support upgrades and maintenance for the Arkansas Wireless Information Network.

(f) Between December 2019 and June 2020, the fund shall withhold moneys necessary to make the distributions under subsections (d) and (e) of this section.

(g) Each month after the distributions under subsections (d)-(f) of this section are satisfied, all remaining funds in the fund shall be transferred to the Arkansas 911 Board.

(h) Subsections (d)-(g) of this section shall be applied for fiscal year 2021 and each successive fiscal year.

History. Acts 2019, No. 660, § 10.

A.C.R.C. Notes. Acts 2019, No. 660,

§ 1, provided: “Title. This act shall be known and may be cited as the ‘Public

Safety Act of 2019”.

Acts 2019, No. 660, § 2, provided: “Legislative findings and intent.

“(a) The General Assembly finds that:

“(1) The State of Arkansas recognizes that maintaining the public’s safety is a sacred trust of the government;

“(2) The citizens of Arkansas depend on state government to provide for public welfare and safety; and

“(3) To ensure public welfare and safety, it is important and worthy to achieve the following public safety priorities:

“(A) Developing a next generation 911 system;

“(B) Replacing the Arkansas Emergency Telephone Services Board with the Arkansas 911 Board; and

“(C) Providing upgrades and maintenance funding for the Arkansas Wireless Information Network.

“(b) It is the intent of the General Assembly to simplify and update charges paid by telecommunication subscribers to provide the best public safety communications and services possible to all Arkansas and first responders by:

“(1) Developing a next generation 911 system;

“(2) Replacing the Arkansas Emergency Telephone Services Board with the Arkansas 911 Board; and

“(3) Providing upgrades and maintenance funding for the Arkansas Wireless Information Network”.

19-5-1153. Arkansas Firefighter Cancer Relief Network Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Arkansas Firefighter Cancer Relief Network Trust Fund”.

(b)(1) The State Insurance Department shall deposit into the State Treasury one hundred percent (100%) of the moneys collected under § 21-5-110 to the credit of the fund.

(2) The fund shall consist of funds donated under § 21-5-110 and any other moneys as may be provided by law.

(c) The fund shall be used for providing funds for relief for firefighters who are diagnosed with cancer and participating in a firefighter cancer relief network under § 21-5-110.

History. Acts 2019, No. 823, § 1.

SUBCHAPTER 12 — MISCELLANEOUS FUNDS CONTINUED

SECTION.

19-5-1201. [Repealed.]

19-5-1204. [Repealed.]

19-5-1205. Youth Services Facilities Needs Fund.

19-5-1206. Building Authority Division Real Estate Fund.

19-5-1207. [Repealed.]

19-5-1208. [Repealed.]

19-5-1210. [Repealed.]

19-5-1211. Department of Labor and Licensing Special Fund.

19-5-1216. [Repealed.]

19-5-1217. Computer and Electronic Recycling Fund.

SECTION.

19-5-1218. [Repealed.]

19-5-1226. [Repealed.]

19-5-1227. Educational Adequacy Fund.

19-5-1228. Area Agencies on Aging Fund.

19-5-1232. Division of Workforce Services Unemployment Insurance Administration Fund.

19-5-1233. [Repealed.]

19-5-1234. Division of Workforce Services Fund.

19-5-1236. Technology Acceleration Fund.

19-5-1238. Sustainable Building Design Revolving Loan Fund.

SECTION.

- 19-5-1240. Minority and Women-Owned Business Loan Mobilization Revolving Fund.
- 19-5-1244. Health Information Technology Fund.
- 19-5-1245. Arkansas Great Places Program Fund.
- 19-5-1249. Alternative Motor Fuel Development Fund.
- 19-5-1250. Open Enrollment Public Charter School Capital Grant Program Fund.
- 19-5-1255. Arkansas Unpaved Roads Program Fund.
- 19-5-1257. Workforce Initiative Act of 2015 Fund.
- 19-5-1258. Future Transportation Research Fund.

SECTION.

- 19-5-1259. Mandatory Publication Reimbursement Fund.
- 19-5-1260. Arkansas Children's Advocacy Center Fund.
- 19-5-1261. Human Trafficking Victim Support Fund — Definition.
- 19-5-1262. Rainy Day Fund.
- 19-5-1263. Restricted Reserve Fund.
- 19-5-1264. Arkansas River Navigation System Fund.
- 19-5-1265. Graduate Medical Education Fund.
- 19-5-1266. Immediate Disaster Response Fund.

Effective Dates. Acts 2017, No. 512, § 51: July 1, 2017. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2017."

Identical Acts 2017, Nos. 1083 and 1127, § 26: July 1, 2017. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period is later than July 1, 2017, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of

the public peace, health, and safety shall become effective on July 1, 2017."

Identical Acts 2017, Nos. 1084 and 1123, § 8: July 1, 2017. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period is later than July 1, 2017, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017."

Identical Acts 2018, Nos. 259 and 260, § 10: July 1, 2018.

Acts 2019, No. 82, § 23: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the General Improvement Fund should no longer be utilized; that the Development and Enhancement Fund is necessary to complete unfinished state projects; and that this act is necessary to address infrastructure needs and unanticipated needs of the State of Arkansas. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

Acts 2019, No. 899, § 19: July 1, 2019, except § 16, effective Apr. 11, 2019. Emer-

agency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Section 16 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the Legislative Session, the delay in the effective date of this Act beyond July 1, 2019, with the exception that Section 16 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019; with the exception that Section 16 in this Act shall be in full force and effect from and after the date of its passage and approval".

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state

entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

Identical Acts 2019, Nos. 998 and 1024, § 11: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period after adjournment sine die is later than July 1, 2019, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

19-5-1201. [Repealed.]

Publisher's Notes. This section, concerning the Institutional and Community Development Fund, was repealed by identical

Acts 2017, Nos. 1083 and 1127, § 18. The section was derived from Acts 1999, No. 1463, § 27.

19-5-1204. [Repealed.]

Publisher's Notes. This section, concerning the Balanced Budget Reserve Fund, was repealed by identical Acts

2017, Nos. 1083 and 1127, § 19. The section was derived from Acts 1999, No. 1463, § 27.

19-5-1205. Youth Services Facilities Needs Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Youth Services Facilities Needs Fund".

(b)(1) The Youth Services Facilities Needs Fund shall consist of funds transferred to it from the General Improvement Fund or its successor

fund or fund accounts, including the Development and Enhancement Fund, and other funds authorized by law.

(2) The Youth Services Facilities Needs Fund shall be used for contracts, repairs, acquisition, construction, equipment, and operational expenses to improve the facilities of the Division of Youth Services.

History. Acts 1999, No. 1463, § 27; 2019, No. 82, § 14.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2019 amendment, in (b)(1), inserted “or its successor fund or fund accounts, including the Development and Enhancement Fund” and made a stylistic change.

19-5-1206. Building Authority Division Real Estate Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Building Authority Division Real Estate Fund”.

(b)(1) The Building Authority Division Real Estate Fund shall consist of funds transferred to it from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, or other funds, gifts, bequests, foundation grants and gifts, Governor’s Emergency Fund or other emergency funds, federal grants and matching funds, short-term loans and advances, proceeds from bond issues, leases, service charges or fees, interagency transfers of funds, partnerships and debentures, and other funds as may be appropriated by the General Assembly.

(2) The Building Authority Division Real Estate Fund shall be used to acquire either by deed or by lease, to own or operate, to maintain, to repair, to renovate, to develop, or to construct real properties, including any necessary demolition and site improvements, for use by state agencies, as defined in § 22-2-102, for capital improvement needs under the jurisdiction of the Building Authority Division.

History. Acts 1999, No. 1463, § 27; 2001, No. 307, § 1; 2009, No. 251, § 21; 2015 (1st Ex. Sess.), No. 7, § 19; 2015 (1st Ex. Sess.), No. 8, § 19; 2019, No. 82, § 15; 2019, No. 910, § 6101.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2019 amendment by No. 82 inserted “or its successor fund or fund accounts, including the Development and Enhancement Fund” in (b)(1).

The 2019 amendment by No. 910 deleted “of the Department of Finance and Administration” at the end of (b)(2).

19-5-1207. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas Real Property Reappraisal Fund, was repealed by Acts 2019,

No. 388, § 5, effective July 24, 2019. The section was derived from Acts 1999, No. 1444, § 2.

19-5-1208. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas Research Matching Fund, was repealed by identical Acts 2017, Nos. 1083 and 1127, § 20. The

section was derived from Acts 1999, No. 1545, § 2; 2001, No. 1646, § 16; 2015 (1st Ex. Sess.), No. 7, § 107; 2015 (1st Ex. Sess.), No. 8, § 107.

19-5-1210. [Repealed.]

A.C.R.C. Notes. The amendment of this section by Acts 2019, No. 388, is superseded by the repeal of this section by Acts 2019, No. 1024. Acts 2019, No. 388, amended subsection (b) to read as follows: "The fund shall be used exclusively by the Arkansas Workforce Development Board to fund the programs, operations, and activities of the board."

Publisher's Notes. This section, concerning the Arkansas Transitional Employment Fund, was repealed by Acts 2019, No. 998 § 4, and by Acts 2019, No. 1024, § 4, effective July 1, 2019. The section was derived from Acts 1999, No. 1567, § 24; 2015, No. 1144, § 8; 2015, No. 1145, § 8; 2019, No. 388, § 6.

19-5-1211. Department of Labor and Licensing Special Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special fund to be known as the "Department of Labor and Licensing Special Fund".

(b) The Department of Labor and Licensing Special Fund shall consist of:

(1) Those special revenues set out in § 19-6-301(25), (36), (72), (112), (158), (180), and (251); and

(2) The fee, penalty, and assessment income and all other income, the disposition of which is not otherwise provided by law, of the Department of Labor and Licensing.

(c) The Department of Labor and Licensing Special Fund shall be used for the maintenance, operation, and improvements required by the department in carrying out the special revenue programs enumerated in subsection (b) of this section, and to defray the costs of the maintenance, operation, and improvements required by the department or the Secretary of the Department of Labor and Licensing in carrying out the functions, powers, and duties imposed by law on the department or the secretary.

(d) The secretary, with the approval of the Chief Fiscal Officer of the State, is authorized to transfer funds from the Department of Labor and Licensing Special Fund to the Department of Labor and Licensing Fund Account.

History. Acts 2001, No. 577, § 1; 2014, No. 290, § 5; 2014, No. 299, § 5; 2019, No. 910, § 5447.

Amendments. The 2019 amendment inserted "and Licensing" in the section heading and throughout the section; sub-

stituted "Secretary of the Department of Labor and Licensing" for "Director of the Department of Labor" in (c); and substituted "secretary" for "director" in (c) and (d).

19-5-1216. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas Purchasing Card Services Program Fund, was repealed by Acts 2019, No. 998, § 5, and by Acts 2019, No. 1024, § 5, effective July 1, 2019. The section was derived from Acts 2001, No. 1666, § 39.

19-5-1217. Computer and Electronic Recycling Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Computer and Electronic Recycling Fund".

(b) The fund shall be administered by the Division of Environmental Quality and may be used to:

(1) Promote market research and development grants to determine the most efficient means of collecting, transporting, and processing scrap electronic equipment;

(2) Work with the Department of Finance and Administration and the Marketing and Redistribution Section to establish statewide contracts for computer and electronics recycling and demanufacturing businesses; and

(3) Support and fund other measures necessary to implement and promote the recycling, donation, demanufacturing, or disposal options for computers and electronic equipment.

History. Acts 2001, No. 1410, § 9; 2019, No. 910, § 3203.

Amendments. The 2019 amendment substituted "Division of Environmental Quality" for "Arkansas Department of Environmental Quality" in the introductory language of (b).

19-5-1218. [Repealed.]

Publisher's Notes. This section, concerning the Energy Management Paying Fund, was repealed by Acts 2019, No. 998, § 6, and by Acts 2019, No. 1024, § 6, effective July 1, 2019. The section was derived from Acts 2001, No. 1384, § 3.

19-5-1226. [Repealed.]

Publisher's Notes. This section, concerning the Federal Fiscal Relief Fund, was repealed by identical Acts 2017, Nos. 1083 and 1127, § 21. The section was derived from Acts 2003 (2nd Ex. Sess.), No. 72, § 1; 2005, No. 1962, § 85.

19-5-1227. Educational Adequacy Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Educational Adequacy Fund".

(b) After the Treasurer of State has made deductions from the revenues under § 19-5-203(b)(2)(A), the Educational Adequacy Fund shall consist of:

(1) All net revenues collected due to enactments of the Eighty-Fourth General Assembly meeting in Second Extraordinary Session, unless a different distribution of those additional net revenues is otherwise provided in the act creating those additional net revenues;

(2) The revenues credited to the Educational Adequacy Fund under § 26-54-113(b)(2);

(3) The revenues generated by § 26-52-302(d), § 26-52-316, § 26-52-317(c)(1)(C), § 26-52-319(a)(2)(C), § 26-53-107(d), § 26-53-145(c)(1)(C), § 26-53-148(a)(2)(C), § 26-56-224(c)(3), and § 26-57-1002(d)(1)(A)(ii); and

(4) Other revenues as provided by law.

(c)(1) The Chief Fiscal Officer of the State will determine, from time to time, the amount of funds required from the Educational Adequacy Fund which, when added to other resources available to the Division of Elementary and Secondary Education Public School Fund Account of the Public School Fund and the Division of Elementary and Secondary Education Fund Account of the Education Fund, is needed to fulfill the financial obligation of the state to provide an adequate educational system as authorized by law and shall certify the amounts to the Treasurer of State.

(2) At the end of each month, the Treasurer of State shall transfer all moneys available from the Educational Adequacy Fund to the Division of Elementary and Secondary Education Public School Fund Account of the Public School Fund and to the Division of Elementary and Secondary Education Fund Account of the Education Fund until the sum of all transfers from the Educational Adequacy Fund equals the amounts determined in subdivision (c)(1) of this section, there to be used as determined by law.

(d) In the event the Chief Fiscal Officer of the State determines that the transfers from the Educational Adequacy Fund, when added to the other resources available to the Division of Elementary and Secondary Education Public School Fund Account of the Public School Fund, are not sufficient to meet the state's financial obligation to provide an adequate educational system as authorized by law, the additional amount required shall be transferred from the other funds and fund accounts, except the Educational Facilities Partnership Fund Account, within § 19-5-402 and § 19-5-404(a) [repealed] based upon the proportion that each of the remaining funds and fund accounts, excluding the Educational Facilities Partnership Fund Account, bears to the total of the remaining funds and fund accounts in § 19-5-402 and § 19-5-404(a) [repealed].

History. Acts 2003 (2nd Ex. Sess.), No. 94, § 5; 2003 (2nd Ex. Sess.), No. 107, § 11; 2003 (2nd Ex. Sess.), No. 108, § 1; 2005, No. 2131, § 35; 2006 (1st Ex. Sess.), No. 20, § 10; 2007, No. 110, § 8; 2009, No. 1440, § 5; 2009, No. 1441, § 5; 2012, No.

271, § 4; 2012, No. 287, § 4; 2013, No. 1411, § 4; 2016 (3rd Ex. Sess.), No. 1, § 10; 2019, No. 910, § 2273. substituted “Division of Elementary and Secondary Education” for “Department of Education” twice in (c)(1), twice in (c)(2), and in (d).

Amendments. The 2019 amendment

19-5-1228. Area Agencies on Aging Fund.

(a)(1) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Area Agencies on Aging Fund”.

(2) The Treasurer of State shall credit to the fund the amount certified each quarter under § 26-51-2507.

(b)(1) The Treasurer of State shall distribute moneys in the fund to the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services to be distributed to the eight (8) area agencies on aging based on the division’s funding formula.

(2) The division’s funding formula shall take into consideration the following factors without limitation:

(A) The geographical distribution of the older individuals in the state; and

(B) The distribution of the older individuals in the state who have the greatest economic need and social need, with particular consideration of the low-income minority older individuals.

History. Acts 2005, No. 1821, § 2; 2013, No. 1477, § 1; 2017, No. 913, § 50. substituted “Division of Aging, Adult, and Behavioral Health Services” for “Division of Aging and Adult Services” in (b)(1).

Amendments. The 2017 amendment

19-5-1232. Division of Workforce Services Unemployment Insurance Administration Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Division of Workforce Services Unemployment Insurance Administration Fund”.

(b)(1) The fund shall consist of the proceeds of the stabilization tax as specified in § 11-10-706(f), any interest accruing on these revenues, and any other funds made available by the General Assembly.

(2) The fund shall be used for personal services and operating expenses of the unemployment insurance program necessary to the proper administration of the Division of Workforce Services Law, § 11-10-101 et seq., as determined by the Director of the Division of Workforce Services.

(c) The director shall report to the Legislative Council on a quarterly basis on all uses of the fund.

History. Acts 2007, No. 551, § 2; 2017, No. 1038, § 2; 2019, No. 910, § 491.

Amendments. The 2017 amendment inserted “personal services and” in (b)(2).

The 2019 amendment substituted “Division of Workforce Services Unemployment Insurance Administration Fund” for “Department of Workforce Services Un-

employment Insurance Administration Fund” in the section heading and (a); in (b)(2), substituted “Division of Workforce Services Law” for “Department of Workforce Services Law” and “Division of

Workforce Services” for “Department of Workforce Services”; and substituted “director” for “Director of the Department of Workforce Services” in (c).

19-5-1233. [Repealed.]

Publisher’s Notes. This section, concerning the Arkansas Technology Infrastructure Fund, was repealed by Acts 2019, No. 998, § 7, and by Acts 2019, No.

1024, § 7, effective July 1, 2019. The section was derived from Acts 2007, No. 1032, § 32; 2007, No. 1201, § 32.

19-5-1234. Division of Workforce Services Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Division of Workforce Services Fund”.

(b) The fund shall consist of those general revenues as may be authorized by law and any other nonfederal funds as may be provided by law.

(c) The fund shall be used for the maintenance, operation, and improvement required by the Division of Workforce Services in carrying out those powers, functions, and duties imposed by law upon the Director of the Division of Workforce Services as set out in the Division of Workforce Services Law, § 11-10-101 et seq., and § 20-76-101 et seq., or any other duties that may be imposed by law upon the division, including those duties transferred to the division under the provisions of § 20-76-111 [repealed].

History. Acts 2007, No. 1032, § 32; 2007, No. 1201, § 32; 2019, No. 910, § 492.

Amendments. The 2019 amendment substituted “Division of Workforce Services Fund” for “Department of Workforce Services Fund” in the section heading and

(a); and, in (c), substituted “Division of Workforce Services” for “Department of Workforce Services” twice, “Division of Workforce Services Law” for “Department of Workforce Services Law”, and “division” for “department” twice.

19-5-1236. Technology Acceleration Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Technology Acceleration Fund”.

(b)(1) The Technology Acceleration Fund shall consist of funds transferred to it from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, or other funds, gifts, bequests, foundation grants and gifts, Governor’s Emergency Fund or other emergency funds, federal grants and matching funds, proceeds from bond issues, service charges or fees, inter-agency transfers of funds, and other funds as may be appropriated by the General Assembly.

(2) The Technology Acceleration Fund shall consist of money transferred from the General Revenue Allotment Reserve Fund and any other money provided by law.

(c) The Technology Acceleration Fund shall be used by the Arkansas Economic Development Commission and the Arkansas Development Finance Authority for investment incentives to enhance the economy of the state through technology development.

(d) Money from the Technology Acceleration Fund may be used in conjunction with other incentives offered by the state to create, attract, or retain business.

(e)(1) Any proposed use of the Technology Acceleration Fund by the commission or the authority shall first be approved by the Governor.

(2) The commission and the authority shall make a joint recommendation to the Governor for any proposed use of the Technology Acceleration Fund.

History. Acts 2009, No. 806, § 1; 2009, No. 967, § 1; 2015 (1st Ex. Sess), No. 7, §§ 108, 109; 2015 (1st Ex. Sess), No. 8, §§ 108, 109; 2019, No. 82, § 16.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2019 amendment inserted “or its successor fund or fund accounts, including the Development and Enhancement Fund” in (b)(1).

19-5-1238. Sustainable Building Design Revolving Loan Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Sustainable Building Design Revolving Loan Fund”.

(b)(1) The Sustainable Building Design Revolving Loan Fund shall consist of funds transferred to it from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, or other funds, gifts, bequests, foundation grants and gifts, Governor’s Emergency Fund or other emergency funds, federal grants and matching funds, proceeds from bond issues, service charges or fees, interagency transfers of funds, and other funds as may be appropriated by the General Assembly.

(2) The Sustainable Building Design Revolving Loan Fund shall consist of funds received from agencies, boards, or commissions to repay loans for the Sustainable Building Design Program for State Agencies, funds made available by the General Assembly from time to time, and such revenues as may be authorized by law.

(c) The Sustainable Building Design Revolving Loan Fund shall be used to provide loans to agencies for the program as authorized by law and approved by the Chief Fiscal Officer of the State.

History. Acts 2009, No. 754, § 7; 2019, No. 82, § 17.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2019 amendment inserted “or its successor fund or fund accounts, including the Development and Enhancement Fund” in (b)(1).

19-5-1240. Minority and Women-Owned Business Loan Mobilization Revolving Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Minority and Women-Owned Business Loan Mobilization Revolving Fund”.

(b) The Minority and Women-Owned Business Loan Mobilization Revolving Fund shall consist of the unexpended fund balances remaining in the Small Business Loan Fund Account of the 82nd Session General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, as of the close of business on June 30, 2009, and such other funds as may be authorized by law.

(c) All reimbursements, repayments of loans, and interest earned and deposited into the Minority and Women-Owned Business Loan Mobilization Revolving Fund from any source shall be treated as a refund to expenditure.

(d) The Minority and Women-Owned Business Loan Mobilization Revolving Fund shall be used to promote the development of minority and women-owned business enterprises in the state, increase the ability of minority and women-owned business enterprises to compete for state contracts, and sustain the economic growth of minority and women-owned business enterprises in the state.

History. Acts 2009, No. 1428, § 14; 2018, No. 259, § 2; 2018, No. 260, § 2; 2019, No. 82, § 18.

A.C.R.C. Notes. Identical Acts 2018, Nos. 259 and 260, § 1, provided: “The purpose of this act is to amend the Revenue Stabilization Law and to create funds, to repeal funds, and to make transfers to and from funds and fund accounts.”

Identical Acts 2018, Nos. 259 and 260, § 9, provided: “DUPLICATE ACTS. If HB1137 and SB122 of the 2018 Fiscal Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other.”

Acts 2019, No. 82, § 1, provided: “Leg-

islative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2018 amendment by identical acts Nos. 259 and 260 inserted “and Women-Owned” and “and women-owned” throughout the section.

The 2019 amendment inserted “or its successor fund or fund accounts, including

the Development and Enhancement Fund” in (b).

19-5-1244. Health Information Technology Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Health Information Technology Fund”.

(b)(1) All moneys collected under § 25-42-101 et seq. shall be deposited into the State Treasury to the credit of the Health Information Technology Fund as special revenues.

(2) The Health Information Technology Fund shall also consist of funds transferred to it from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, or other funds, gifts, bequests, foundation grants and gifts, Governor’s Emergency Fund or other emergency funds, federal grants and matching funds, proceeds from bond issues, service charges or fees, interagency transfer of funds, and other funds that may be appropriated by the General Assembly.

(c) The Health Information Technology Fund shall be used by the Office of Health Information Technology for the operating expenses of the office and the State Health Alliance for Records Exchange.

History. Acts 2011, No. 891, § 2; 2019, No. 82, § 19.

A.C.R.C. Notes. Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Amendments. The 2019 amendment inserted “or its successor fund or fund accounts, including the Development and Enhancement Fund” in (b)(2).

19-5-1245. Arkansas Great Places Program Fund.

(a) The Division of Arkansas Heritage may establish in a bank authorized to do business in this state and selected by the division a revolving cash fund entitled “Arkansas Great Places Program Fund” into which the division shall deposit all funds received as matching funds from eligible organizations participating in the Arkansas Great Places Program under § 15-11-801 et seq.

(b) The division may receive gifts, grants, bequests, devises, and donations made to the division, amounts received as matching funds from eligible organizations participating in the Arkansas Great Places Program under § 15-11-801 et seq., and any other funds authorized by law to be used in the furtherance of the purposes of the Arkansas Great Places Program under § 15-11-801 et seq.

(c) In addition, the division may accept gifts, grants, or donations from the United States Government or agencies thereof, and private

individuals, foundations, or concerns to be used for the purposes of the Arkansas Great Places Program under § 15-11-801 et seq.

History. Acts 2011, No. 896, § 2; 2019, No. 910, § 5673.

Amendments. The 2019 amendment substituted “division” for “department”

throughout the section; and substituted “Division of Arkansas Heritage” for “Department of Arkansas Heritage” in (a).

19-5-1249. Alternative Motor Fuel Development Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Alternative Motor Fuel Development Fund”.

(b) The fund shall consist of:

- (1) Grants made by a person, entity, or federal government agency;
 - (2) Other funds that become available through energy programs;
 - (3) Any remaining fund balances carried forward from year to year;
- and

(4) Any other funds authorized or provided by law.

(c) The fund shall be used by the Division of Environmental Quality to provide rebates and incentives under the Arkansas Alternative Motor Fuel Development Act, § 15-10-901 et seq.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

History. Acts 2013, No. 532, § 2; 2017, No. 271, § 13; 2017, No. 851, § 11; 2019, No. 910, § 3204.

Amendments. The 2017 amendment by No. 271 substituted “Arkansas Department of Environmental Quality” for “Arkansas Energy Office of the Arkansas Economic Development Commission” in (c).

The 2017 amendment by No. 851 substituted “Alternative” for “Clean-burning”

in the section heading, (a), and (c); and substituted “Arkansas Department of Environmental Quality” for “Arkansas Energy Office of the Arkansas Economic Development Commission” in (c).

The 2019 amendment substituted “Division of Environmental Quality” for “Arkansas Department of Environmental Quality” in (c).

19-5-1250. Open Enrollment Public Charter School Capital Grant Program Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Open Enrollment Public Charter School Capital Grant Program Fund”.

(b) The fund shall consist of those general revenues as may be authorized by law and other nonfederal funds as may be provided by law.

(c) The fund shall be used for distributing grants for programs providing assistance to open enrollment public charter schools concerning academic facilities and equipment and the repayment of debt incurred relating to academic facilities and equipment under the Open

Enrollment Public Charter School Capital Grant Program established in § 6-23-801 et seq., and as may otherwise be provided by law.

History. Acts 2013, No. 1064, § 2; substituted “§ 6-23-801 et seq.” for “§ 2019, No. 388, § 7. 6-23-701 et seq.” in (c).

Amendments. The 2019 amendment

19-5-1255. Arkansas Unpaved Roads Program Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Arkansas Unpaved Roads Program Fund”.

(b) The fund shall consist of:

(1) Grants made by any person, state agency, or federal government agency;

(2) Donations made by private persons or entities;

(3) Any remaining fund balances carried forward from year to year; and

(4) Any other funds authorized or provided by law.

(c) The fund shall be used by the Department of Agriculture to award grants to counties under the Arkansas Unpaved Roads Program Act, § 14-305-101 et seq.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

History. Acts 2015, No. 898, § 2; 2019, No. 910, § 115. for “Rural Services Division of the Arkansas Economic Development Commission”

Amendments. The 2019 amendment substituted “Department of Agriculture” in (c).

19-5-1257. Workforce Initiative Act of 2015 Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Workforce Initiative Act of 2015 Fund”.

(b) The fund shall consist of those general revenues as may be authorized by law and other nonfederal funds as may be provided by law.

(c) The fund shall be used by the Division of Higher Education for distributing grants to programs identified under § 6-60-107.

History. Acts 2015, No. 1131, § 3; 2019, No. 910, § 2274. substituted “Division of Higher Education” for “Department of Higher Education”

Amendments. The 2019 amendment substituted “Department of Higher Education” in (c).

19-5-1258. Future Transportation Research Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Future Transportation Research Fund”.

(b) The Future Transportation Research Fund shall consist of:

(1) If available after the deposit of the funds required under § 14-143-130, interest income received under § 27-70-204 up to a maximum amount of five hundred thousand dollars (\$500,000) each year from the State Highway and Transportation Department Fund; and

(2) Any other revenues authorized by law.

(c) The Future Transportation Research Fund shall be used by the Arkansas Department of Transportation for distributing grants under the Transportation-Related Research Grant Program, § 27-65-145.

History. Acts 2017, No. 705, § 2.

19-5-1259. Mandatory Publication Reimbursement Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Mandatory Publication Reimbursement Fund”.

(b) The fund shall consist of reimbursements to the Secretary of State for mandatory publication of petitions and measures under § 7-9-113.

History. Acts 2017, No. 982, § 2.

19-5-1260. Arkansas Children’s Advocacy Center Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Arkansas Children’s Advocacy Center Fund”.

(b) The fund shall consist of:

(1) The fines specified under §§ 5-4-703, 27-50-306, and 27-51-217;

(2) Grants or donations made by a person, state agency, or federal government agency; and

(3) Any other funds authorized or provided by law.

(c) The fund shall be used by the Arkansas Child Abuse/Rape/Domestic Violence Commission as provided in § 9-5-106 and as provided by any other provisions of law.

History. Acts 2017, No. 512, § 24; 2017, No. 714, § 4.

A.C.R.C. Notes. Acts 2017, No. 512, § 25, and Acts 2017, No. 714, § 5, provided: “Temporary legislation. All moneys to be credited to the Arkansas Children’s Advocacy Center Fund as provided by Acts

2015, No. 1220, and collected before the effective date of this act [August 1, 2017] shall be immediately transferred to the Arkansas Children’s Advocacy Center Fund upon the effective date of this act [August 1, 2017].”

19-5-1261. Human Trafficking Victim Support Fund — Definition.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Human Trafficking Victim Support Fund”.

(b) The fund shall consist of fees collected under § 5-5-501(d) and any other revenues authorized by law.

(c)(1) The fund shall be administered by the Attorney General.

(2) The Attorney General shall use the fund to provide:

(A) Grants to nonprofit, religious, and other third-party organizations that provide services and treatment, such as securing residential housing, health services, and social services for victims of human trafficking; and

(B) For the management and operation of the fund.

(d) As used in this section, “victim of human trafficking” means a person who has been subject to sexual exploitation because the person:

(1) Is a victim of trafficking of persons under § 5-18-103;

(2) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2017; or

(3) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103.

History. Acts 2017, No. 765, § 4.

19-5-1262. Rainy Day Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Rainy Day Fund”.

(b) The Rainy Day Fund shall consist of:

(1) Funds transferred to the Rainy Day Fund from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund;

(2) Attorney General settlement funds;

(3) Interagency transfers of funds to the Rainy Day Fund;

(4) Any revenues provided by law; and

(5) Any other funds and fund transfers provided for by law.

(c) The Chief Fiscal Officer of the State shall use the Rainy Day Fund for transfers to:

(1)(A) Provide funding for one (1) or more appropriations or reappropriations enacted by the General Assembly from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund.

(B) At the time of a transfer under subdivision (c)(1)(A) of this section, the Chief Fiscal Officer of the State shall notify the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, of the transfer of funds, the amount of funds transferred, and the purpose of the transfer; and

(2) One (1) or more funds or fund accounts authorized by the General Assembly, other than the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, upon prior approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

History. Acts 2017, No. 1084, § 1; 2017, No. 1123, § 1; 2019, No. 82, § 20.

A.C.R.C. Notes. Identical Acts 2017, Nos. 1084 and 1123, § 2, provided: “Legislative findings — Nonseverability.

“(a) The General Assembly finds that:

“(1) Determining the maximum amount of appropriation and funding for a state agency or institution each fiscal year is the prerogative of the General Assembly;

“(2) Determining the maximum amount of appropriation and funding for a state agency or institution is usually accomplished by delineating the maximum amounts in the appropriation acts for the state agency or institution and in the general revenue allocations authorized for each relevant fund and fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et seq.;

“(3) Creating the Rainy Day Fund and establishing the procedures for the transfer of funds to various funds and fund accounts provides for the efficient and effective operation of state government; and

“(4) It is necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, as provided in § 19-5-1258(c)(2) [§ 19-5-1262(c)(2)].

“(b) The requirement of approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, is not a severable part of § 19-5-1258 [§ 19-5-1262]. If the requirement of approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, is ruled unconstitutional by a court of competent jurisdiction, § 19-5-1258 [§ 19-5-1262] is void in its entirety.”

Identical Acts 2017, Nos. 1084 and 1123, § 3, provided: “Rainy Day Funding. Immediately upon the effective date of this Act [July 1, 2017], or as soon thereafter as is practical, the State Treasurer

shall transfer and credit to the ‘Rainy Day Fund’, upon certification of the amounts thereof by the Chief Fiscal Officer of the State, the following:

“(a) all unobligated and unallocated monies remaining in the ‘General Improvement Fund’ on June 30, 2017 which are not required to finance projects to be financed therefrom pursuant to appropriations enacted by the 90th General Assembly, or which have not been reappropriated or reallocated for financing from the ‘General Improvement Fund’ by the 91st General Assembly;

“(b)(1) any unobligated or unallocated funds remaining on July 2, 2017, including all General Revenue Funds recovered from remaining fund balances in the ‘General Revenue Allotment Reserve Fund’ from monies accruing thereto during the 2015-2017 fiscal biennium which are not required to finance enactments of the 91st General Assembly that do not expire on June 30, 2017,

“(2) All General Revenue Funds recovered from remaining fund balances in the ‘General Revenue Allotment Reserve Fund’ from monies accruing thereto during the 2017-2018 fiscal year which are not required to finance enactments of the 91st General Assembly that do not expire on June 30, 2018.

“(c) Those special revenues credited to the General Improvement Fund from estate taxes as set out in Arkansas Code § 19-6-301(171); and

“(d) Any available balance remaining in the 90th Session Projects Account of the General Improvement Fund from funds set aside and any funds made available for a Rainy Day Set-Aside; and

“(e) Any funds provided by the Arkansas Attorney General from the Attorney General Consumer Education and Enforcement Account, received by the State of Arkansas through Settlement agreements or as designated by court order.”

Identical Acts 2017, Nos. 1084 and 1123, § 4, provided: “Rainy Day Set-Asides.

“(a)(1) Of those funds transferred and credited to the ‘Rainy Day Fund’ as authorized in Section 3 of this Act, the State Treasurer shall first set-aside one hundred sixty million five hundred thousand dollars (\$160,500,000) for the Priority / Debt Obligations Set-Asides enumerated in subsection (e)(2) through (e)(4) of this Section.

“(A) The Priority / Debt Obligations Set-Asides enumerated in Section 4 subsections (e)(2) through (e)(4) shall be distributed from time to time in amounts as determined by the Chief Fiscal Officer of the State.

“(2) The Treasurer of State shall then set-aside the next fifty two million dollars (\$52,000,000) for the Executive / Legislative Shared Projects Set-Asides enumerated in subsection (f)(2) through (f)(4) of this Section.

“(A) The Executive / Legislative Shared Projects Set-Asides enumerated in Section 4 subsection (f)(2) through (f)(4) shall be distributed from time to time in amounts as determined by the Chief Fiscal Officer of the State.

“(b) If it is determined by the Chief Fiscal Officer of the State that funding made available and set-aside in subsections (a) herein are not required at the amount authorized, then all or any portion of those funds may be transferred from time to time from the Rainy Day Priority / Debt Obligations Set-Asides or the Executive / Legislative Shared Projects Set-Asides to the Rainy Day Fund.

“(c)(1) The Treasurer of State shall then transfer and credit an amount not to exceed twenty million dollars (\$20,000,000) to the ‘Rainy Day Fund’.

“(2) Once the twenty million enumerated in subsection (c)(1) of this Section is fully funded no additional funds shall be transferred or credited to the ‘Rainy Day Fund’ as authorized in Section 3 of this Act with the exception of those funds made available and allocated in the Revenue Stabilization Allocations enacted by the General Assembly.

“(d) Any unobligated funds remaining in the Rainy Day Fund Priority / Debt Obligations Set-Asides or the Executive / Legislative Shared Projects Set-Asides established in Section (4) of this Act as of July 1, 2019 shall be transferred from the Set-Asides to the Rainy Day Fund.

“(e) Priority / Debt Obligations Set-Asides:

“(1) To establish the ‘Priority / Debt Obligations Set-Asides’ within the Rainy Day Fund to be distributed as authorized and enumerated in subsections (e)(2) through (e)(4).

“(2) Act 224 of 2017 and any reappropriation authorized by the General Assembly for Act 224 of 2017 for the Department of Correction, for lease payments associated with debt service on a 948-bed institution at Malvern, a 400-bed addition at the Grimes Unit at Newport, and 862-bed Special Needs Unit and addition to the Ouachita River Unit at Malvern, in a sum not to exceed \$10,500,000;

“(3) Act 230 of 2017 and any reappropriation authorized by the General Assembly for Act 230 of 2017 for the Department of Human Services, for grant payments of the Arkansas Medicaid Program of the Department of Human Services — Division of Medical Services — Grants, in a sum not to exceed \$90,000,000;

“(4) Act 268 of 2017 and any reappropriation authorized by the General Assembly for Act 268 of 2017 for the Department of Education — Division of Public School Academic Facilities and Transportation for transfer to the Educational Facilities Partnership Fund Account, for grants and aid and special programs providing academic school facility and transportation assistance to the public school districts by the Division of Public School Academic Facilities and Transportation, in a sum not to exceed \$60,000,000.

“(f) Executive / Legislative Shared Projects Set-Asides:

“(1) To establish the ‘Executive / Legislative Shared Projects Set-Asides’ within the Rainy Day Fund to be distributed as authorized and as enumerated in subsections (f)(2) through (f)(4).

“(2) Act 468 of 2017 and any reappropriation authorized by the General Assembly for Act 468 of 2017 for the Arkansas Economic Development Commission for a transfer to the Economic Development Incentive Quick Action Closing Fund, for incentives to attract new business and economic development to the state, in a sum not to exceed \$30,000,000;

“(3) Act 468 of 2017 and any reappropriation authorized by the General Assembly for Act 468 of 2017 for the Arkan-

sas Economic Development Commission, for a transfer to the Arkansas Acceleration Fund for the Arkansas business technology accelerator program, in a sum not to exceed \$2,000,000;

“(4) For a transfer to the Arkansas Highway Transfer Fund, in a sum not to exceed, \$20,000,000.”

Identical Acts 2017, Nos. 1084 and 1123, § 5, provided:

“(a) Transfer of funds from the ‘Rainy Day Fund’ shall be made only after the Chief Fiscal Officer of the State has determined that all criteria or pre-conditions established in the appropriation act to receive the transfer have been met and that a Method of Finance has been filed with the Office of Accounting in the Department of Finance and Administration, if required.

“(b) Any matching funds as may be provided in law shall be certified to the Chief Fiscal Officer of the State prior to the commencement of the project.

“(c) Any recipient of the funds appropriated herein is also subject to an audit by the Arkansas Legislative Audit in order to determine that the use of the funds was in compliance with the intent and appropriated purposes of the General Assembly.”

Identical Acts 2017, Nos. 1084 and 1123, § 6, provided: “Funding authority.

“(a) Any enactment of the 91st General Assembly in either regular, fiscal or extraordinary session appropriating, transferring or allocating funds to the ‘Rainy Day Fund’ shall be deemed to be payable from the ‘Rainy Day Fund’.

“(b) Appropriations which are not enumerated in this Act may be financed from monies accruing to the ‘Rainy Day Fund’ to fund appropriations as authorized by the General Assembly.”

Identical Acts 2017, Nos. 1084 and 1123, § 7, provided: “Duplicate bills enacted. If the House and the Senate bills of the 2017 Regular Session of the 91st General Assembly creating a Rainy Day Fund, are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other.”

Acts 2019, No. 82, § 1, provided: “Legislative intent. It is the intent of the General Assembly that the creation of the Development and Enhancement Fund is

necessary to provide a mechanism to disburse funds for:

“(1) Various construction and improvement projects;

“(2) Unforeseen needs;

“(3) Funding deficiencies; and

“(4) The completion of projects previously funded by the General Assembly”.

Identical Acts 2019, Nos. 997 and 1023, § 1, provided: “Legislative findings — Nonseverability.

“(a) The General Assembly finds that:

“(1) Determining the maximum amount of appropriation and funding for a state agency or institution each fiscal year is the prerogative of the General Assembly;

“(2) Determining the maximum amount of appropriation and funding for a state agency or institution is usually accomplished by delineating the maximum amounts in the appropriation acts for the state agency or institution and in the general revenue allocations authorized for each relevant fund and fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et seq.;

“(3) The Rainy Day Fund has established procedures for the transfer of funds to various funds and fund accounts for the efficient and effective operation of state government; and

“(4) It is necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, as provided in § 19-5-1262(c)(2).

“(b) The requirement of approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, is not a severable part of § 19-5-1262. If the requirement of approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, is ruled unconstitutional by a court of competent jurisdiction, § 19-5-1262 (c)(2) is void in its entirety”.

Identical Acts 2019, Nos. 997 and 1023, § 2, provided: “Rainy Day Funding. Immediately upon the effective date of this Act [July 1, 2019], as soon thereafter as is practical or as authorized in this Section the State Treasurer shall transfer and credit to the ‘Rainy Day Fund’, upon certification of the amounts thereof by the

Chief Fiscal Officer of the State, the following:

“(a)(1) Any funds remaining in the Rainy Day Fund at the end of a Fiscal Year shall be carried forward to the next Fiscal Year unless specifically stated otherwise by law;

“(2) Any balance remaining in the Rainy Day Fund from funds made available for a Rainy Day Fund Set-Aside by the 91st General Assembly shall be carried forward in the Rainy Day Fund;

“(b) All unobligated and unallocated monies remaining in the ‘General Improvement Fund’ or the ‘Development and Enhancement Fund’ on June 30, 2019 which are not required to finance projects to be financed therefrom pursuant to appropriations enacted by the General Assembly, or which have not been reappropriated or reallocated for financing from the ‘Development and Enhancement Fund’ by the 92nd General Assembly;

“(c)(1) Any unobligated or unallocated funds remaining on July 2, 2019 in the ‘General Revenue Allotment Reserve Fund’ from monies accruing thereto during the 2017-2019 fiscal biennium which are not required to finance enactments of the 92st General Assembly that do not expire on June 30, 2019, including all General Revenue Funds recovered from remaining fund balances;

“(2) All General Revenue Funds recovered from remaining fund balances in the ‘General Revenue Allotment Reserve Fund’ from monies accruing thereto during the 2019-2020 fiscal year which are not required to finance enactments of the 92st General Assembly that do not expire on June 30, 2020;

“(d) Those special revenues credited to the General Improvement Fund or the Development and Enhancement Fund from estate taxes as set out in Arkansas Code § 19-6-301(171);

“(e) Other revenues as may be transferred or authorized by law; and

“(f) Any funds provided by the Arkansas Attorney General from the Attorney General Consumer Education and Enforcement Account, received by the State of Arkansas through Settlement agreements or as designated by court order”.

Identical Acts 2019, Nos. 997 and 1023, § 3, provided: “Rainy Day Funding. Immediately upon the effective date of this Act, as soon thereafter as is practical or as

authorized in this Section the State Treasurer shall transfer and credit to the ‘Rainy Day Fund’, upon certification of the amounts thereof by the Chief Fiscal Officer of the State, the following:

“(a)(1) Any funds remaining in the Rainy Day Fund at the end of a Fiscal Year shall be carried forward to the next Fiscal Year unless specifically stated otherwise by law;

“(2) Any balance remaining in the Rainy Day Fund from funds made available for a Rainy Day Fund Set-Aside by the 91st General Assembly shall be carried forward in the Rainy Day Fund;

“(b) All unobligated and unallocated monies remaining in the ‘General Improvement Fund’ or the ‘Development and Enhancement Fund’ on June 30, 2019 which are not required to finance projects to be financed therefrom pursuant to appropriations enacted by the General Assembly, or which have not been reappropriated or reallocated for financing from the ‘Development and Enhancement Fund’ by the 92nd General Assembly;

“(c)(1) Any unobligated or unallocated funds remaining on July 2, 2019 in the ‘General Revenue Allotment Reserve Fund’ from monies accruing thereto during the 2017-2019 fiscal biennium which are not required to finance enactments of the 92st General Assembly that do not expire on June 30, 2019, including all General Revenue Funds recovered from remaining fund balances;

“(2) All General Revenue Funds recovered from remaining fund balances in the ‘General Revenue Allotment Reserve Fund’ from monies accruing thereto during the 2019-2020 fiscal year which are not required to finance enactments of the 92st General Assembly that do not expire on June 30, 2020;

“(d) Those special revenues credited to the General Improvement Fund or the Development and Enhancement Fund from estate taxes as set out in Arkansas Code § 19-6-301(171);

“(e) Other revenues as may be transferred or authorized by law; and

“(f) Any funds provided by the Arkansas Attorney General from the Attorney General Consumer Education and Enforcement Account, received by the State of Arkansas through Settlement agreements or as designated by court order”.

Identical Acts 2019, Nos. 997 and 1023, § 4, provided: "Conditions and Audit.

"(a) Transfer of funds from the 'Rainy Day Fund' shall be made only after the Chief Fiscal Officer of the State has determined that all criteria or pre-conditions established in the appropriation act to receive the transfer have been met and that a Method of Finance has been filed with the Office of Accounting in the Department of Finance and Administration, if required.

"(b) Any matching funds as may be provided in law shall be certified to the Chief Fiscal Officer of the State prior to the commencement of the project.

"(c) Any recipient of the funds appropriated herein are also subject to an audit by the Arkansas Legislative Audit of the Legislative Joint Auditing Committee in order to determine that the use of the funds was in compliance with the intent and appropriated purposes of the General Assembly".

Identical Acts 2019, Nos. 997 and 1023, § 5, provided: "Funding Authority.

"(a) Any enactment of the 92nd Gen-

eral Assembly in either regular, fiscal or extraordinary session appropriating, transferring or allocating funds to the 'Rainy Day Fund' shall be deemed to be payable from the 'Rainy Day Fund'.

"(b) Appropriations which are not enumerated in this Act may be financed from monies accruing to the 'Rainy Day Fund' to fund appropriations authorized by the General Assembly and as set out in law".

Identical Acts 2019, Nos. 997 and 1023, § 6, provided: "Duplicate Bills Enacted. If the House and the Senate bills of the 2019 Regular Session of the 92nd General Assembly to define monies to be available and distributed in the Rainy Day Fund, as authorized in Sections 1 through 5 of this Act, are both enacted and adopted by the 92nd General Assembly in identical form, then the last Act passed or latest expression shall supersede the other".

Amendments. The 2019 amendment inserted "or its successor fund or fund accounts, including the Development and Enhancement Fund" in (b)(1) and (c)(2), and rewrote (c)(1)(A).

19-5-1263. Restricted Reserve Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Restricted Reserve Fund".

(b) The Restricted Reserve Fund shall consist of:

(1) Funds transferred from the Rainy Day Fund;

(2) Interagency transfers of funds or fund accounts to the Restricted Reserve Fund;

(3) Any revenues provided by law; and

(4) Any other funds and fund transfers provided for by law.

(c) For the purpose of and after meeting the requirements of subsection (d) of this section, the Chief Fiscal Officer of the State may from time to time transfer on his or her books and those of the Treasurer of State and the Auditor of State funds from the Restricted Reserve Fund to one (1) or more general revenue operating funds or fund accounts, the Miscellaneous Agencies Fund Account, the Arkansas Department of Transportation for state matching funds, and the State Central Services Fund upon prior approval of the greater of three-fifths ($\frac{3}{5}$) of the quorum present or a majority of the membership of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

(d)(1) If at any time during the fiscal year a state agency, board, commission, state institution of higher education, or constitutional officer determines that it is necessary to perform its duties or is in the best interest of the citizens of the State of Arkansas to request a

transfer from the Restricted Reserve Fund, that entity shall submit a detailed request in writing to the Chief Fiscal Officer of the State stating:

- (A) The need and purpose of the transfer;
- (B) Efforts to find efficiencies and savings prior to making the request;
- (C) Current year-to-date budget and expenditures by line item; and
- (D) A detailed line item budget reflecting proposed expenditures in the amount requested.

(2) The Chief Fiscal Officer of the State may request additional information to make a determination and may then approve, modify, or deny the request.

(3) Upon the determination by the Chief Fiscal Officer of the State that a transfer is necessary, the Chief Fiscal Officer of the State shall submit the entity's request and his or her recommendation for approval as required in subsection (c) of this section.

(e) The funds available in the Restricted Reserve Fund may be transferred as provided in § 19-5-202(b)(2)(B)(iii).

History. Acts 2018, No. 259, § 6; 2018, No. 260, § 6; 2019, No. 416, § 3.

A.C.R.C. Notes. Identical Acts 2018, Nos. 259 and 260, § 1, provided: "The purpose of this act is to amend the Revenue Stabilization Law and to create funds, to repeal funds, and to make transfers to and from funds and fund accounts."

Identical Acts 2018, Nos. 259 and 260, § 9, provided: "DUPLICATE ACTS. If HB1137 and SB122 of the 2018 Fiscal Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other."

Acts 2019, No. 416, § 1, provided: "Legislative findings and intent.

"(a) The General Assembly finds that

additional revenue will be available to the state resulting from anticipated savings generated by the transformation of state government, the creation of cabinet positions, and other reductions in state government, and from the growth of casino gambling resulting from the adoption of The Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution, Amendment 100.

"(b) The General Assembly intends to use a portion of the anticipated savings described in subsection (a) of this section to make additional revenues available for use in maintaining and repairing public highways, streets, and bridges in the state".

Amendments. The 2019 amendment added (e).

19-5-1264. Arkansas River Navigation System Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Arkansas River Navigation System Fund".

(b) The fund shall consist of:

- (1) The taxes and penalties described in § 26-26-1616(d)(2);
- (2) Grants made by any person or federal government agency;
- (3) Any remaining fund balances carried forward from year to year; and
- (4) Any other funds authorized or provided by law.

(c) The fund shall be used by the Arkansas Waterways Commission to develop, improve, and expand river transportation resources within the portion of the McClellan-Kerr Arkansas River Navigation System located in the State of Arkansas.

History. Acts 2019, No. 561, § 1.

19-5-1265. Graduate Medical Education Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Graduate Medical Education Fund".

(b) The fund shall consist of:

(1) Gifts, grants, and donations;

(2) Any revenues provided by law; and

(3) Any other funds and fund transfers authorized or provided for by law.

(c)(1) The fund shall be administered by the Division of Higher Education as provided in § 6-82-2001 et seq., and as provided by any other relevant provisions of law.

(2) The moneys in the fund shall be disbursed at the direction of the Graduate Medical Education Residency Expansion Board as provided under § 6-82-2001 et seq.

History. Acts 2019, No. 854, § 2.

19-5-1266. Immediate Disaster Response Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous revolving fund to be known as the "Immediate Disaster Response Fund".

(b) Reimbursements received from any federal, state, or local government agency or other states shall be deposited into the State Treasury to the fund as a refund to expenditure.

(c) The fund shall consist of such revenue as may be authorized by law.

(d) The fund shall be used by the Division of Emergency Management for immediate costs of disasters within the state and to assist other states in disaster response requests.

History. Acts 2019, No. 899, § 16.

